

Union Calendar No. 973

81ST CONGRESS	}	HOUSE OF REPRESENTATIVES	{	REPORT
2d Session				No. 2747

*Isn't this
P.L. 754?*

AMENDING THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

JULY 26, 1950.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DAWSON, from the Committee on Expenditures in the Executive Departments, submitted the following

R E P O R T

[To accompany H. R. 9129]

The Committee on Expenditures in the Executive Departments, to whom was referred the bill (H. R. 9129) to amend the Federal Property and Administrative Services Act of 1949, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 1, line 8, after the word "Printer", insert a comma.

Page 1, line 9, after the word "issue", insert a comma.

Page 7, line 4, strike "transfer" and insert "transferred".

Page 8, line 8, after the word "security" strike the period and insert:

: *Provided*, That such determination shall show that the total cost (rentals, repairs, alterations, and improvements) to the Government for the expected life of the lease shall be less than the cost of alternative space which needs no such repairs, alterations, or improvements.

Page 14, line 18, after the word "appointed", insert "by the".

Page 15, line 25, strike "Administrator" and insert "Commission".

Page 16, line 7, after the word "societies", insert a comma.

Page 16, line 13, after the word "time", insert a comma.

Page 16, line 25, after the word "branch", insert a comma.

Page 17, line 4, after the word "Representatives", strike out the period and insert ", respectively."

Page 26, line 12, the first word "Title", should be extended to the full margin.

Page 30, line 2, strike the apostrophe after the word "Government".

Page 30, line 16, after the word "Government", strike the quotation and semicolon and insert " . ; "

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Page 31, line 7, after "1124", strike the semicolon and insert a comma.

Page 31, line 8, after "300c-k", strike the semicolon and insert "):".

Page 32, line 11, strike "or".

Page 34, line 12, after the word "Administrative", insert "Services".

Page 35, line 2, after "1949", insert a comma.

Page 35, line 2, after the word "repealed", insert a comma.

GENERAL STATEMENT

The primary objective of H. R. 9129 is to round out existing authority of the General Services Administration in the field of Government records management. It accords with specific recommendations of the Commission on Organization of the Executive Branch of the Government. The proposed legislation is designed to cut down the cost and quantity of Government paper work.

This measure also incorporates certain clarifying and technical amendments relating to other statutory duties of the General Services Administration which are considered necessary for more efficient performance of those duties.

The urgent need for a comprehensive and effective program for records management is made plain by the findings and recommendations of the Commission on Organization and the report of its Task Force on Records Management.

Today in the Federal Government the handling of paper work in the conduct of public business is enormous, complex and costly. The Bureau of the Budget reports that in the District of Columbia alone the Federal Government owns or leases in excess of 30,000,000 square feet of space; about 5,000,000 square feet, or 16½ percent of the total, are taken up by files. When it is considered that nine-tenths of the Federal employees are in field assignments, in some 40,000 offices throughout the country, the magnitude of the files problem is readily apparent. In the large cities of our Nation, where many Federal offices are located, the records management problems are almost as acute as those encountered by the Federal Government in the Washington area.

Each day sees large additions of material to the present tremendous accumulation of Government files.

Seven to ten carloads of paper stock arrive daily at the Government Printing Office. In large part, this paper is prepared for the requirements of the various Governmental agencies. Federal agencies use an estimated 100,000 forms; 80 to 95 percent are specific agency forms; the remaining 5 to 20 percent are standard forms. Clearly this field offers a vast opportunity for standardization.

To add to the output of forms of the Government Printing Office, 800,000 Government typewriters daily produce myriads of letters; the mimeographs, multigraphs, and other machines make millions of copies of Government documents, forms, contracts, and other papers.

Clippings from newspapers, magazines, and other periodicals add to the great mass of material which goes into the files.

The Bureau of the Budget cites this striking hypothetical example from the Veterans' Administration. That agency has 20,000,000 individual file cases or folders. If one sheet of paper were to be added

to each folder, 40,000 reams of paper would be used, or about 80,000 inches (6,600 feet). In other words, more than a mile of file space would be required merely to add one sheet of paper to each veteran's folder.

A number of agencies besides the Veterans' Administration have individual cases that run into the millions.

After World War II, the President in recognition of the need to establish a Government-wide records program, issued Executive Order No. 9784 on September 25, 1946. This Executive order required that the head of each agency establish and maintain an active and continuing program for the successful management and disposition of its records. In 1948, the Commission on Organization Task Force on Records Management, in studying and surveying the records management problem of the entire Government, urged in substance the following recommendations: (1) creation of a central staff and service agency with responsibility for leadership in the field of records management; (2) enactment of a new Federal records management law to provide for the more successful preservation, management, and disposal of Government records; and (3) establishment of an adequate records management program in each department and agency.

The Commission on Organization in its report to the Congress in 1949, approved the views of its task force. Thereafter, Congress enacted the Federal Property and Administrative Services Act, which established the General Services Administration and transferred to it, among other things, the National Archives Establishment and authorized the Administrator to make surveys of Government records and records management activities and to obtain reports thereon.

This bill fully implements the recommendations of the Commission on Organization of the Executive Branch of the Government by defining the responsibilities of the Administrator in the field of records management and by specifically authorizing him to establish and operate records centers. It also requires the head of each Federal agency to establish and maintain an active, continuing program for the economical and efficient management of the agency's records and to cause to be made and kept adequate records of the functioning and transactions of the agency—a requirement that heretofore, except in specific cases, has been lacking in the Federal statutes.

The Administrator, under the proposed legislation, could, by the issuance of regulations, guide all Federal agencies in inaugurating or extending existing programs for reducing the cost of maintaining the tremendous quantity of records now in existence and being created by the Federal Government. This problem of the quantity of records requires action on at least two fronts: (1) the prompt and orderly disposal of records of temporary usefulness and (2) the transfer of records that need not be retained in office space and equipment to less costly records-space and storage equipment.

The first three sections of the proposed legislation deal with amendments to section 109 of the Federal Property and Administrative Services Act of 1949 relating to the General Supply Fund. The amendments, among other things, provide for the elimination of the surcharge, as recommended by the Commission on Organization of the Executive Branch of the Government with respect to supply activities. There is also added a new subsection (g) which authorizes the Administrator to charge vendors and producers of commodities

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testing fees which, in turn, would result in the establishment of a qualified products list.

Section 4 authorizes the Administrator to make donations of surplus property for public health purposes. Under Public Law 152, Eighty-first Congress, the Administrator is authorized to make donations of such surplus property to educational institutions. In the case of real property, the Administrator now can make donations for both educational and health purposes. The effect of the provision in section 4 is to place education and public health on a par with respect to the donations of surplus personal property.

Section 5 of the proposed legislation incorporates into the Federal Property and Administrative Services Act of 1949 certain substantive provisions of law which in the past have been included in annual appropriation acts relating to the maintenance, operation, and protection of public buildings, property or grounds situated in or outside the District of Columbia, and including the construction, repair, preservation, furnishing, and equipment thereof. For some time the Congress and the Bureau of the Budget have advocated a program for all agencies to incorporate into substantive law provisions which have been carried in annual appropriation acts.

Section 5 also includes a provision entitled "Motor Vehicle Identification." The purpose of the provision is to extend to the field service of Federal agencies the requirement for identification of motor vehicles acquired and used for official purposes. Under present law (sec. 4 of the act of February 3, 1905, 33 Stat. 687, as amended by the act of August 2, 1946, 60 Stat. 811; 5 U. S. C. 77) identification is required only for those vehicles acquired and used for official purposes in the departmental service in the District of Columbia. Various agencies and departments now require identification by administrative regulations, but such regulations are neither uniform nor complete in application. This section would authorize the Administrator to issue regulations requiring identification of all motor vehicles acquired and used for official purposes within the United States and its Territories and possessions by any Federal agency. Exemption from the requirements of this section could be provided for in such regulations when conspicuous identification of a vehicle would interfere with the purposes for which it is used, such as in the case of the Central Intelligence Agency, the Federal Bureau of Investigation, Treasury enforcement officers, and Immigration border control.

Section 6 of the proposed legislation amends the Federal Property and Administrative Services Act of 1949 by inserting a new title, namely, title V, Federal Records. The provisions of title 5 with respect to records matters fall into four general categories, namely: (1) those in the nature of perfecting amendments required to insert the new title in the Federal Property and Administrative Services Act of 1949; (2) those designed to provide a permanent statutory charter for activities now authorized by language appearing in annual appropriation acts; (3) those necessary to retain desirable provisions of existing law in their original, or amended form; and (4) those providing new authority with respect to records management and archival administration.

The proposed legislation provides for continuing the National Historical Publications Commission with a different and enlarged

membership and with some extension of duties. Provision is also made for a small staff to be appointed by the Commission.

It provides for the establishment of a Federal Records Council as an advisory body to the Administrator, its membership to be drawn from the legislative, judicial, and executive branches of the Government.

The remainder of section 6 continues in effect desirable provisions of existing law with respect to archival administration; authorizes the Administrator to exercise staff and coordinating functions with respect to records management, including the establishment of records centers; and requires Federal agencies to make proper provision with respect to the creation, maintenance, and disposal of records.

While the essential recommendations of the Commission on Organization of the Executive Branch of the Government with respect to the performance of staff functions and the coordination of records management programs in Federal agencies by the Administrator are implemented by the provisions of the bill, the individual agency is not divested of functions in which it has the primary interest and for which it should have primary responsibility. It is well to emphasize that records come into existence, or should do so, not in order to fill filing cabinets or occupy floor space, or even to satisfy the archival interests of this and future generations, but essentially to serve the administrative and executive purposes of the Government organization which creates them. There is danger that this simple, self-evident fact may be lost for lack of emphasis. The measure of effective records management should be its usefulness to the executives responsible for accomplishing the substantive purposes of the Government organization.

The value of records centers in reducing the cost of maintaining records has been amply demonstrated by the experience of the Department of Defense and several business corporations. Records centers utilize space and equipment less costly than that required in office operations and, in addition, they provide a control that facilitates the disposal of material no longer needed. It is estimated conservatively that of the 20,000,000 cubic feet of records in existence, at least 2,000,000 cubic feet not now in records centers should be transferred to such facilities. Your committee is of the opinion that the authority given the Administrator to establish, maintain, and operate records centers will result in an annual saving of several million dollars.

The Citizens Committee for the Hoover Report has given strong endorsement to this legislation. In communications to your committee the Citizens Committee has stated:

The bill now being presented to the Congress by your committee, if acted upon favorably by the Congress, will represent a 100-percent adoption of the letter as well as the spirit of the Hoover Commission's recommendations in the important field of Federal Records Management.

Mr. Emmett J. Leahy, who was the Director of the Hoover Commission's Task Force on Records Management, has added his unqualified endorsement of this measure.

These letters of approval, together with communications from the Bureau of the Budget and the Comptroller General of the United States urging favorable consideration of H. R. 9129, are carried in this report.

CONCLUSIONS

Your committee has given careful study to the proposed legislation and is unanimous in urging its enactment. The Citizens' Committee for the Hoover Report, experts in records management, and the Bureau of the Budget, the Comptroller General of the United States, and the General Services Administrator are all in full accord as to the need and importance of this measure.

H. R. 9129 will result in a more orderly and efficient administration of the records of Federal agencies and will facilitate the performance by the Administrator of his functions with respect to supply and building management activities. It is evident that substantial economies will be effected by the enactment of H. R. 9129.

SECTION-BY-SECTION ANALYSIS OF H. R. 9129, JULY 17, 1950

Section 1 modifies section 109 (a) of the Federal Property and Administrative Services Act of 1949, by enlarging the availability of the general supply fund to provide for the purchase from or through the Public Printer for warehouse issue of standard forms, blank-book work, standard specifications, and other printed materials not available through the Superintendent of Documents and generally used by a number of Federal agencies.

Section 2 (a) modifies section 109 (a) by substantially eliminating the surcharge on general supply fund transactions and provides for charging requisitioning agencies only with the purchase price, transportation to the first storage point of supplies and services, and direct labor costs for the repair, rehabilitation, and conversion of personal property.

Section 2 (b) constitutes a modification of section 109 (b) and fixes the applicable standard for pricing general supply fund commodities based upon the purchase price, initial freight expense, inventory losses, personal services employed directly in repair, rehabilitation, and conversion, and amortization and repair of equipment leased or rented to executive agencies.

Section 2 (c): The amendments provided for under sections 2 (a) and 2 (b) above will be effective only when the Administrator determines that adequate appropriations are available to carry out the purpose of such amendments.

Section 3 (a): Section 109 (b) is modified to provide for the reimbursement to the General Services Administration, where an advance of funds is not made, out of funds of the requisitioning agency in accordance with accounting procedures approved by the Comptroller General rather than, as is provided by existing law, on vouchers prepared by the requisitioning agency on the basis of itemized invoices submitted by the Administrator and receiving reports evidencing the delivery to the requisitioning agency of such supplies or services. The section is further modified so that where the requisitioning agency shall not have made payment within 45 days after the date of billing by the Administrator or the date on which an actual liability for supplies or services is incurred by the Administrator, whichever is the later, reimbursement may be obtained by him by the issuance of transfer and counter-warrants or other lawful transfer documents supported by itemized invoices. The present law does not include

reference to the date on which an actual liability for supplies or services is incurred by the Administrator, or to other lawful transfer documents.

Section 3 (b) adds to the Federal Property and Administrative Services Act of 1949 this subsection (g) authorizing the establishment of a testing charge to be paid by prospective vendors to cover all costs in connection with the testing of such commodities. Such testing fees would be covered into the General Supply Fund and expended directly therefrom without appropriation. The committee expects these tests to be predicated mainly on performance standards generally accepted by private enterprise so that small business will have a greater opportunity to sell their products to the Government.

Section 4 modifies section 203 (j) of the Federal Property and Administrative Services Act of 1949 by providing that the Administrator is authorized in his discretion to donate without cost surplus equipment, materials, books, or other supplies for public health purposes, including research, in addition to educational purposes as presently provided for.

Section 5 provides for the redesignation of section 210 of the act as section 212 and the insertion immediately after section 209 of new sections numbered 210 and 211.

Section 210 (a) is intended primarily to incorporate into the Federal Property and Administrative Services Act of 1949 certain substantive provisions of law which for many years past have been included in annual appropriation acts relating to the maintenance, operation, and protection of public buildings, property, or grounds situated in or outside the District of Columbia, including the construction, repair, preservation, furnishing, and equipment thereof. It is part of an over-all program conducted by the General Accounting Office and the Bureau of the Budget at the instance of the House Appropriations Committee to remove from appropriation acts certain limitations and other substantive legislation.

Specifically, subsection 1 of section 210 (a) authorizes the purchase, repair, and cleaning of uniforms for civilian employees of the General Services Administration who are required by law or regulations to wear uniform clothing. Substantially similar authority has been included in the Independent Offices Appropriation Act each year since 1928.

Subsection 2 authorizes the furnishing of arms and ammunition for the protection force maintained by General Services Administration. This authority has also been contained in the Independent Offices Appropriation Acts for many years.

Subsection 3 authorizes the payment of ground rent for buildings owned by the United States or occupied by Federal agencies and permits the payment of such rent in advance when required by law or when the Administrator determines such action to be in the public interest. Somewhat similar authority has been included in the past in the Independent Offices Appropriation Acts with respect to the payment of ground rent in advance at specific locations. One of these involved the payment of ground rent to an Indian tribe where a treaty with the United States required the payment of such rent in advance. The broadened authority contained in subsection 3 will enable the Administrator to take advantage of any offered economics which may be effected through the payment of rent in advance rather than at the end of each rental period.

Subsection 4 relates to the payment of per diem rates to personnel employed in connection with the functions of operation, maintenance and protection of property. Such rates may not exceed rates currently paid by private industry for similar services in the place where such services are performed. As in the preceding subsections, substantially similar authority has been included in the annual Independent Offices Appropriation Acts. This subsection is intended primarily to meet emergency situations where it is necessary to have personnel for brief periods of time to repair damage, or to perform other work, where the exigencies of the situation will not permit resort to the Civil Service Commission registers or to the performance of the work by contract.

Subsection 5 exempts from the 15 percent rental provision and the 25 percent alteration, repair and improvement limitation imposed by section 322 of the act of June 30, 1932, commonly known as the Economy Act, leases entered into by or transferred to the General Services Administration for the housing of any Federal agency which, on June 30, 1950, was specifically exempted by law from the requirements of such section. An example of such leases are those entered into by the Veterans' Administration which, under a specific act, were prior to July 1, 1950, exempted from such requirements. Under Reorganization Plan 18, some of these leases have been transferred to General Services Administration. The additional authority contained in subsection 5 is necessary, therefore to preserve the status quo and to permit operations under the leases which, in a number of instances are more advantageous to the Government than would be new leases made subject to the requirements of the Economy Act.

Subsection 6 authorizes the General Services Administration to obtain payment, through advances or otherwise, for services, space, quarters, maintenance, repair, or other facilities furnished on a reimbursable basis to any other Federal agency or any mixed-ownership corporation or the District of Columbia and to credit such payments to the applicable appropriations of the General Services Administration. As in the preceding subsections, substantially the same authority has been contained in Independent Offices Appropriation acts for prior years. Subsection 6 broadens the authority to include any wholly owned or mixed-ownership corporation. Frequently, when requested to perform such services or to render other assistance provided for in the subsection, General Services Administration does not have funds available for the purpose but the requesting agency does. Therefore, the authority is necessary in order that the General Services Administration may perform the function. Thereafter, if the assistance requested is of a continuing nature, the General Services Administration requests that the necessary funds be included in its budget.

In subsection 7 provision is made for the maintenance, repair, and the payment of any obligations arising in connection with the pneumatic tube system connecting buildings owned by the United States or occupied by Federal agencies in New York City. As in the preceding subsections, substantially similar authority has been included in the annual appropriation acts for many years. Under the franchises pursuant to which the system was installed and under which it is maintained, operated and extended there are certain obligations on the part of the Government. Since this system is essential to governmental activities in New York City and will continue to be necessary,

it is desirable that its operation, maintenance, and extension pursuant to the franchises be sanctioned by permanent law.

Subsection 8 is new insofar as General Services Administration is concerned but is essential to enable the Administration to utilize to the fullest extent leased premises. It would exempt from the 25-percent limitation of section 322 of the act of June 30, 1932, commonly known as the Economy Act, as amended, the repair, alteration, and improvement of rented premises where the Administrator determines that the execution of such work, without reference to such limitation, is advantageous to the Government in terms of economy, efficiency, or national security. It is believed that the section will promote economies and security and that it is surrounded by sufficient safeguards to prevent its abuse.

Subsection 9 authorizes the payment of sums in lieu of taxes on real property declared surplus by Government corporations pursuant to the Surplus Property Act of 1944, where legal title to such property remains in any such Government corporation. As in the case of many of the preceding subsections, substantially similar authority exists in appropriation acts relating to the former War Assets Administration, the functions of which are now vested in the General Services Administration. When real property owned by a Government corporation, such as RFC, is declared surplus legal title remains in the corporation unless it is conveyed to the United States or sold to outside interests. It has been the practice in the past for Government corporations to pay sums in lieu of taxes on real property, title to which rests in them as distinguished from the United States. It is believed advisable to continue this authority insofar as the inventory of property declared surplus under the provisions of the Surplus Property Act of 1944 is concerned at least until such time as title to the property vests in the United States. It should be pointed out that this authority applies only to real property declared surplus under the Surplus Property Act of 1944, which with certain inapplicable provisions, was repealed effective as of June 30, 1949. This means that the authority would not extend to any properties declared excess or surplus on or after July 1, 1949.

Subsection 10 is another reenactment of substantive law now appearing in appropriation acts. It authorizes the Administrator to furnish utilities and other services to persons, firms, or corporations occupying or utilizing plants or portions of plants which constitute a part of the national industrial reserve pursuant to the National Industrial Reserve Act of 1948 or other surplus real property. These plants usually are very large and subject to the national security clause. They usually contain such features as a central heating plant and sometimes have their own facilities for furnishing electric power. They also sometimes have their own sewage and water facilities. In a number of instances they are leased on the basis of multiple occupancy. For this reason, it is frequently impracticable to have the individual tenants install their own utility services. It is therefore often to the advantage of the Government, from the standpoint of increased revenue or from the benefits to be secured in the way of maintenance and protection, to have the Government furnish the utility service on a reimbursable basis. The National Industrial Reserve Act of 1948 apparently contemplates that the program authorized thereby will be as self-sustaining as possible, thereby limiting

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the appropriations which the Congress is required to make. Substantially similar authority to that contained in (A) is presently embraced in annual appropriation acts as is the proviso of (B) permitting the crediting of the amounts received in payment for such utilities to the applicable appropriation of the General Services Administration. This subsection will not permit the Government to compete with private enterprise in communication or other utility services because the authority may not be exercised where the services are actually being provided by private suppliers.

Subsection 11 permits the Secretary of Defense to direct the use of proceeds received by the United States from insurance against damage to properties in the National Industrial Reserve, for the repair or restoration of the damaged properties. Frequently plants in the National Industrial Reserve are leased with the requirement that certain types of insurance be maintained by the lessee for the benefit of the United States. As previously stated it is believed that the Congress in enacting the National Industrial Reserve Act of 1948 intended that the program authorized thereby should be as self-sustaining as possible. However, the Comptroller General has ruled otherwise with respect to insurance proceeds and at the present time proceeds are being deposited into the Treasury as miscellaneous receipts and are, therefore, unavailable for the repair of damage. It is believed to be to the advantage of the Government to have the proceeds of such insurance available for restoration of damage.

Subsection 12 is not new and may be found in a more limited form in other permanent legislation. It is believed advisable to broaden and more clearly define the authority of the Administrator to acquire land or interest therein when authorized by subsequent acts of the Congress. It will help in obtaining more effective utilization of plants in the National Industrial Reserve and other surplus industrial facilities.

Section 210 (b) may be considered as an extension of the provisions of the Economy Act of 1932. It authorizes the Administrator, at the request of any Federal agency, or any mixed-ownership corporation, or the District of Columbia, to operate, maintain, and protect any building owned by the United States, or by a wholly owned or mixed-ownership Government corporation and occupied by the agency or instrumentality making such request. An example of the need for a provision such as this is the recent request that the General Services Administration take over the operation, maintenance, and protection of the building or buildings now housing the United States District Court for the District of Columbia. At the present time, not less than four instrumentalities of the Government perform these functions, with the result that considerable confusion exists. This provision clarifies the authority of General Services Administration under the Economy Act and likewise includes wholly owned and mixed-ownership corporations and the District of Columbia, which are not covered by the Economy Act.

Section 210 (c) may also be considered as an extension of the Economy Act as well as the provisions of the act of June 25, 1910 (40 U. S. C. 265), as amended. It also applies to wholly owned and

mixed-ownership corporations and to the District of Columbia, which the Economy Act and the act of June 25, 1910, do not. In the past, there have been instances where the Congress has appropriated funds for the acquisition of land and the construction of buildings to agencies other than the General Services Administration, with the proviso that all of such appropriated funds necessary for the acquisition of sites and the construction of buildings shall be transferred to the General Services Administration. These provisions have been included in appropriation acts. The enactment of section 210 (c) as permanent legislation will eliminate the necessity for inclusion of such provisions in appropriation acts.

Section 210 (d) is necessary to remedy a condition which exists in Reorganization Plan No. 18 of 1950. Section 2 of that plan transfers all functions with respect to the operation, maintenance, and custody of office buildings owned by the Government and of office buildings or parts thereof acquired by lease, with certain specified exceptions, from the respective agencies in which then vested, to the Administrator of General Services. The provisions of the plan took effect on July 1, 1950. Under one interpretation of section 2 of the plan, the transfer of functions is not continuing, but is a so-called one-shot proposition. Section 210 (d) gives to the Director of the Bureau of the Budget, whenever he determines such action to be in the interest of economy and efficiency, authority to transfer to the Administrator all functions vested in any other Federal agency with respect to the operation, maintenance, and custody of any office building owned by the United States, or any wholly owned Government corporation or any office building or part thereof occupied by any Federal agency under any lease, with certain specified exceptions. The enactment of this legislation granting continuing authority to the Director of the Bureau of the Budget will permit flexibility and meet future changing conditions.

Section 211: This section authorizes the Administrator to issue regulations requiring identification of all motor vehicles, acquired and used for official purposes within the United States, its Territories and possessions, by any Federal agency or the District of Columbia. This provision provides a uniform system of identification in lieu of the various administrative systems now in effect in connection with identification of Government-owned motor vehicles.

The provisions of section 6 fall within four general categories, namely, (1) those in the nature of perfecting amendments required to insert in Public Law 152, Eighty-first Congress, the new title V—Federal Records, (2) those designed to provide a permanent statutory charter for activities now authorized by substantive language appearing in annual appropriation acts, (3) those necessary to retain desirable provisions of existing law in their original, or amended, form, and (4) those providing new authority with respect to records management and archival administration.

Subsections (a), (b), and (c), and the introductory language of subsection (d) preceding Title V—Federal Records, of section 6 are perfecting amendments necessary to the insertion of a new title V in Public Law 152, Eighty-first Congress.

TITLE V—FEDERAL RECORDS

SHORT TITLE

Section 501 provides that title V of this bill may be cited as the "Federal Records Act of 1950".

CUSTODY AND CONTROL OF PROPERTY

Section 502: The first part of this section merely retains provisions of existing law (44 U. S. C. 300d; Public Law 152, 81st Cong., sec. 104 (a)) relating to the custody and control of the National Archives Building and its contents. The second part provides the Administrator with the necessary authority to enable him to design, construct, and maintain buildings for the storage of records, including records centers as provided in section 505 (d).

NATIONAL HISTORICAL PUBLICATIONS COMMISSION

Section 503 (a) reconstitutes the present National Historical Publications Commission with a different and an enlarged membership includes representation of the three branches of the Government and the public, and also provides for staggering of the terms of the membership.

The existing authority of the Congress to receive proposals of the Commission is transferred by subsection 503 (d) of this bill to the Administrator, which is one reason for including representatives of the legislative branch in the Commission's membership.

Section 503 (b) provides for the filling of vacancies on the Commission in conformity with the staggered membership of the Commission.

Section 503 (c) provides for the appointment of a staff for the Commission, for limited compensation for members of the Commission representing the public, and for the reimbursement of all members for transportation expenses incurred in attending meetings. The Commission will be required to obtain funds for its activities through regular annual appropriations by the Congress. It is contemplated by your committee that the Commission's staff will be kept small.

Section 503 (d) sets forth the duties of the Commission. The language used in the first four lines appears in existing law. The Commission's duties have been expanded, however, to include the proposal made by the President in his speech at the Library of Congress on May 17, 1950, to encourage and assist private agencies in collecting, editing, and publishing the papers of Americans who have made major contributions to the development of our national culture. The last sentence of this subsection provides for transmission to the Administrator (instead of to the Congress as called for in existing law) of the Commission's plans, estimates, and recommendations.

FEDERAL RECORDS COUNCIL

Section 504 provides for the establishment by the Administrator of a Federal Records Council composed of representatives, in the number determined by the Administrator subject to fixed minima, of the legislative, executive, and judicial branches of the Government, but not more than one member may be appointed from any particular

executive agency. The Administrator is required to advise and consult with said Council in carrying out the purposes of the new title V. The present National Archives Council would cease to exist by virtue of section 7 (d) of the bill. The new Council elects its own chairman and is required to meet at least once annually.

RECORDS MANAGEMENT: THE ADMINISTRATOR

Section 505 (a): This subsection vests the Administrator with staff responsibility for coordinating and improving standards, procedures, and techniques with respect to all three areas of records management in the Federal Government--(1) the creation of records, (2) the maintenance of current records, and (3) the retirement and disposal of records when no longer needed for current operations. In each area the Administrator is directed to develop improved practices and promote their adoption by all Federal agencies.

Section 505 (b): This subsection requires the Administrator to establish standards for the guidance of Federal agencies in determining the classes and types of records that should be retained and those that should be disposed of; and to assist agencies in the application of such standards. It also charges the Administrator with responsibility for assisting agency heads in protecting the records of their agencies against unauthorized physical damage or removal.

Section 505 (c): This subsection continues existing statutory authority (44 U. S. C. 300c; Public Law 152, 81st Cong., sec. 104 (a)) but provides a limitation with respect to surveying or inspecting records the use of which is restricted by law or for reasons of national security or the public interest. The power to inspect or survey, in person or by a deputy, enables the Administrator to obtain first-hand information concerning records management problems and programs in Federal agencies, in order that he may carry out the duties imposed on him by the provisions of this title.

Section 505 (d): The provisions of this subsection clarify and expand the provisions of section 104 (c) of Public Law 152, Eighty-first Congress. The economies made possible through the establishment of records centers for the maintenance of records which must be retained for varying periods of time which need not be maintained in office space and equipment, have been amply proven by the experience of the military agencies and others during the last few years. The need for centralized facilities was emphasized by the Commission on Organization and this subsection carries out the Commission's recommendations. The subsection also contains a new provision authorizing the Administrator to establish, maintain, and operate centralized microfilming services for Federal agencies.

Section 505 (e): This is a new statutory provision. The central staff responsibility for records management placed with the Administrator by this title makes it entirely logical that, except to the extent otherwise provided by law, authority to issue regulations governing the inter-agency transfer of records should also be vested in the Administrator.

Section 505 (f): This is a new provision and the authority granted therein is needed to meet changing needs and conditions in the application of disposal schedules. Under existing statutory authority, retention periods specified in all except general disposal schedules

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are mandatory. This subsection authorizes the Administrator to extend retention periods and to promulgate regulations governing the withdrawal of disposal authority, in order to meet changing conditions.

RECORDS MANAGEMENT: AGENCY HEADS

In vesting primary responsibility for records management in the Administrator of General Services, the committee did not intend to relieve other Federal agencies of their duties in this field. On the contrary this section places squarely upon the head of each Federal agency the direct obligation to take active part in bringing about efficient records management. The committee expects every Federal agency, particularly those with large accumulations of records, to cooperate with the Administrator to the utmost in reducing costs in this field.

Section 506 (a): At present specific laws direct the heads of certain agencies to create and maintain certain records, but there is no general requirement that Federal agencies maintain adequate records. This subsection provides a general declaration by the Congress on the subject.

Section 506 (b): This subsection covers, in greater detail, part of the ground covered by Executive Order 9784, 11 F. R. 10909, but it also extends coverage to all Federal agencies and spells out the responsibilities of agency heads with respect to records management programs. As the Commission on Organization pointed out, many agencies paid only lip service to the Executive order. The providing of a statutory basis for agency records management programs should strengthen them immeasurably.

Section 506 (c): This subsection is new. It provides the centralized control of records centers recommended by the Commission on Organization and gives a statutory basis for the establishment of centers as needed. If the agency can show that economy and efficiency of operation can best be served by permitting it to operate its own centers, the Administrator may permit the agency to do so, but the Administrator may also establish centers under his own jurisdiction and receive in them the records of any Federal agency.

Section 506 (d): This subsection continues existing authority contained in section 8a of the National Archives Act (44 U. S. C. 300h-1).

Section 506 (e): This subsection requires heads of Federal agencies to provide proper safeguards for the protection of records in their custody as may be necessary and as may be required by regulations of the Administrator, and to make these safeguards known to all such agency officials and employees.

Section 506 (f): This subsection requires that heads of Federal agencies cooperate with the Administrator in protecting the records of their agencies against unauthorized physical damage or removal. The Administrator's responsibilities in this area are defined in the second part of subsection 505 (b).

Section 506 (g): This subsection is designed to insure that the provisions of title V will impose no limitations upon the exercise of certain functions by the Comptroller General nor lessen the existing responsibility of collecting and disbursing officers for rendition of their accounts to the General Accounting Office.

ARCHIVAL ADMINISTRATION

Section 507 (a) (1) provides for the acceptance of records of the Government having sufficient value to warrant their continued preservation with the National Archives of the United States. It places responsibility on the Archivist to determine professionally whether records have sufficient value to warrant their deposit with the National Archives.

Section 507 (a) (2) authorizes the transfer, with the approval of the originating agency, of records, deposited, or approved for deposit, with the National Archives to public or educational institutions. This would enable the Administrator to provide for the loan or indefinite transfer of records under proper safeguards to State archival agencies or educational institutions. Title to such records would, however, remain vested in the United States unless otherwise authorized by Congress.

Section 507 (a) (3) authorizes the Administrator to effect the transfer of materials from private sources when acceptable for deposit under the provisions of subsection (e) of section 507.

Section 507 (b): This subsection makes the Administrator responsible for the custody, use, and withdrawal of records transferred to him. It contains four provisos respecting restrictions on the use of records, three of which continue in substance provisions of existing law. The third proviso is new. It provides for terminating all restrictions (referred to in this subsection) after the records to which they are applicable have been in existence for 50 years unless otherwise determined by the Administrator with respect to specific bodies of records. This proviso would enable the Administrator to extend the restricted period on a proper showing of need for such extension, but would otherwise provide a general repeal clause to statutory and other restrictions governing the use of records by scholars and the public generally.

Section 507 (c) continues in substance the provisions of existing law respecting the security, rehabilitation, arrangement, reproduction, and description of records transferred to the Administrator. The performance of the functions authorized by its provisions is essential to efficient and economical archival administration.

The last part of the subsection permits the Administrator to publish historical works approved by the National Historical Publications Commission whenever he deems it appropriate.

Section 507 (d) continues authority in existing law for providing reference service on records in the custody of the Administrator.

Section 507 (e) (1) is a new provision that would make it possible for the personal papers and other personal historical documentary materials (motion pictures, sound recordings, etc.) of the President and other high level Government officials to be preserved by the Government with related official records.

Documents of this character, when they can be properly released for scholarly research, frequently constitute the most valuable of all the source materials of history. Their preservation in official custody is highly desirable, but is not likely to occur unless adequate assurance is provided that their privacy will not be jeopardized for a reasonable period of time. The restriction on the use of such materials provided in this subsection is designed to assure this privacy.

Section 507 (e) (2) provides for the transfer of certain types of motion-picture films, still pictures, and sound recordings from private sources that are appropriate for preservation by the Government. The provisions of existing law permit the acceptance from private sources of motion-picture films and sound recordings "pertaining to and illustrative of historical activities of the United States." The provisions of this subsection extend the categories of materials covered to include still pictures but restrict the character of materials that may be accepted to those that are appropriate for preservation as evidence of the organization, functions, policies, decisions, procedures, and transactions of the Government.

Title to the materials deposited under this subsection (e) shall vest in the United States.

Section 507 (f): The first part of this subsection is new and authorizes the making of motion-picture films, still pictures, and sound recordings pertaining to or illustrative of the historical development of the United States Government and its activities. Governmental events of historical importance frequently occur of which no photographic or phonographic records are made, or, if made by commercial or other private concerns, are not made available for deposit with the written records of the event. This provision would authorize the Administrator to make a sound recording of an important speech, or a photograph or motion-picture of an official ceremony, and deposit the recording or photograph with official records in his custody.

The last part of this subsection provides a permanent statutory charter for certain activities relating to motion-picture films now authorized by substantive language appearing in annual appropriation acts. They are extended by this provision to apply also to still pictures and sound recordings. The performance of these activities is essential to the proper preservation, administration, and use of motion-picture films, still pictures, and sound recordings.

REPORTS

Section 508 (a) authorizes the Administrator to obtain reports from Federal agencies on their activities under the provisions of this bill and the Records Disposal Act. Such reports will facilitate the performance of the staff and coordinating functions vested in the Administrator by the provisions of the new title V.

Section 508 (b): The purpose of this subsection is to minimize violations of title V by providing for warnings from the Administrator to agency heads, and in case of failure to take corrective measures, for reports by the Administrator to the President and the Congress.

LEGAL STATUS OF REPRODUCTION

Section 509 (a): This subsection is new. Some paper records are required by statute to be retained indefinitely. This provision is intended to make certain that retention of the records on microfilm, rather than in paper form, will have statutory authorization; and also to give such microfilm reproductions, as well as other reproductions made in accordance with the provisions of title V, the same legal status as that of the original records;

Section 509 (b) continues the provisions of existing law with respect to an official seal of the National Archives of the United States and the admission in evidence of authenticated reproductions of records in the custody of the Administrator. It provisions are necessary to provide adequately for the servicing of records.

Section 509 (c) continues the provisions of existing law with respect to fees for reproductions of records. The proviso at the end of the subsection is new, and its purpose is to permit the furnishing of reproductions that might be vital to the interest of the Government at times when funds necessary for furnishing them were unavailable to the Administrator.

LIMITATION ON LIABILITY

Section 510: The Federal Tort Claims Act (28 U. S. C. ch. 171) in effect gives general consent for tort suits against the Government with certain exceptions that are set forth in section 2680 of the chapter. The purpose of this section is to extend those exceptions so that the United States and its agents would not be liable for any infringement of literary property rights that might result from the use of letters and other material (exclusive of material copyrighted or patented) after they come into the custody of the Administrator.

DEFINITIONS

Section 511: The purpose of this section is to provide a clear understanding as to the meaning of the terms "records", "records center", "servicing", "National Archives of the United States", "unauthenticated copies", and "Archivist", as used in title V.

* * * * *

Section 7 of the bill provides for further amendments to the Federal Property and Administrative Services Act of 1949.

Subsection (a) amends section 3 (d) of the act to exclude records of the Federal Government from the definition of the term "property". This is desirable because statutes relating to real and personal property are not applicable to records, and vice versa.

Subsections (b) and (c) are perfecting amendments necessary to the insertion of the new title V in Public Law 152, Eighty-first Congress.

Under subsection (d) there are added to the list of statutory provisions repealed by the Federal Property and Administrative Services Act of 1949 the National Archives Act, as amended, and section 4 of the act of February 3, 1905 (33 Stat. 687, as amended; 5 U. S. C. 77), relative to identifications for motor vehicles used for official purposes in the departmental service in the District of Columbia.

Under subsection (e), section 602 (b) of the Federal Property and Administrative Services Act of 1949 is amended by continuing existing law in paragraph (1) and by providing in paragraph (2) that sections 2 and 4 of the Records Disposal Act (44 U. S. C. 366-380) are superseded to the extent that the provisions thereof are inconsistent with the provisions of the new title V. Sections 2 and 4 of the Records Disposal Act provide, respectively, for the issuance of regulations and the making of recommendations by the present National Archives Council regarding the disposal of records. The National Archives

Council would cease to exist under section 7 (d) of the bill. The function of issuing disposal regulations would be exercised by the Administrator. Subsection (e) also amends section 602 (c) of the Federal Property and Administrative Services Act of 1949 by inserting after the words "in addition" the following: "and paramount". The insertion of such language would firm up the authority of the Administrator of General Services to accomplish the purposes of the Federal Property and Administrative Services Act of 1949.

Under subsection (f), paragraphs (17) and (19) represent existing law, and the present paragraph 18 of 602 (d) of the Federal Property and Administrative Services Act of 1949 is deleted since it is not necessary in view of the revision of 602 (c), there being inserted in lieu thereof an exemption for the Joint Committee on Printing based on the fact that the Committee is a joint committee of both the House and Senate and therefore feels that it might come within the purview of the definition of a Federal agency.

Subsection (g) provides a permanent statutory charter for an activity now authorized by substantive language appearing in annual appropriation acts.

Section 8 amends the definition of the term "Federal agency" in the Federal Property and Administrative Services Act of 1949, so as to exclude from the definition thereof the Architect of the Capitol and any activities under his direction. The other two subsections of section 8 provide for the exclusion from the coverage of the Federal Property and Administrative Services Act of 1949 of the Senate and House of Representatives, including the Architect of the Capitol, unless any of the services or facilities authorized to be rendered shall be requested by the Senate, House, or Architect of the Capitol.

Section 9 amends section 205 (h) of the Federal Property and Administrative Services Act of 1949 by striking out the word "title" and inserting in lieu thereof the word "Act." The effect is to expand the requirement that the Administrator of General Services advise and consult with interested Federal agencies from the limited field of title II to the entire act.

Section 10 provides that the Comptroller General upon recommendation of the head of any Federal agency concerned is authorized and empowered, in connection with any contract made on behalf of the Government which contract includes a provision for liquidated damages for delay, to remit the whole or any part of such damages as in his discretion may be just and equitable. Section 10 also provides for the repeal of section 306 of the Federal Property and Administrative Services Act of 1949 and further provides that section 10 is effective as of July 1, 1949.

Section 11 repeals all laws and parts of laws in conflict with the amendments made by this act.

* * *

FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT 19

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., July 21, 1950.

HON. WILLIAM L. DAWSON,
*Chairman, Committee on Expenditures in the Executive Departments,
House of Representatives, New House Office Building, Washington, D. C.*

MY DEAR MR. DAWSON: This is in reply to your request for the views of this Office with respect to H. R. 9129, a bill to amend the Federal Property and Administrative Services Act of 1949, and for other purposes.

This measure is a substitute for H. R. 6315, H. R. 6566, H. R. 7545, H. R. 8353, H. R. 8416, and H. R. 8890, and has as its primary objective the establishment of an adequate records management program in the Federal Government.

Other amendments to the Federal Property and Administrative Services Act of 1949 contained in this bill will:

1. Make the general supply fund available for the procurement of additional common-use printed items not stocked by the Superintendent of Documents, and eliminate the surcharge now levied on agencies making purchase from the Federal Supply Service.

2. Enact into substantive law numerous provisions dealing with the maintenance, operation, and protection of public buildings which have been included in the annual appropriation acts.

3. Provide for donations of surplus personal property to States for public-health purposes, as well as for educational purposes, as now authorized by the Federal Property and Administrative Services Act of 1949. Under that act both the educational and public-health organizations are eligible for donations of surplus real property.

4. Extend to the field service of Federal agencies the requirement of identification of motor vehicles acquired and used for official purposes. Under the present law (sec. 4 of the act of February 3, 1905, 33 Stat. 687, as amended by the act of August 2, 1946, 60 Stat. 811, 5 U. S. C. 77) identification is required only of motor vehicles acquired and used for official purposes in the departmental service in the District of Columbia.

5. Enact into substantive law, on a continuing basis, the principles of Reorganization Plan No. 18 dealing with the transfer to the Administrator of the General Services Administration the control and custody of office buildings owned by the United States.

6. Amend section 306 of the Federal Property and Administrative Services Act of 1949, entitled "Waiver of Liquidated Damages," to extend its provisions to cover all Federal agencies.

The Bureau of the Budget is in accord with the principles of H. R. 9129 and recommends its enactment.

Sincerely yours,

ELMER B. STAATS,
Assistant Director.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, July 26, 1950.

HON. WILLIAM L. DAWSON,
*Chairman, Committee on Expenditures in the Executive Departments,
House of Representatives.*

MY DEAR MR. CHAIRMAN: Reference is made to your letter of May 10, 1950, requesting report on H. R. 8416, Eighty-first Congress, entitled "A bill to amend Public Law 152, Eighty-first Congress, approved June 30, 1949," and to recent informal advice from counsel for your committee that the committee would prefer a report on H. R. 9129, Eighty-first Congress, entitled "A bill to amend the Federal Property and Administrative Services Act of 1949, and for other purposes."

There is enclosed a section-by-section analysis of H. R. 9129, which has the approval of the General Accounting Office. It is noted, particularly, that the bill contains language suggested by the General Accounting Office to improve the accounting and fiscal procedures under the 1949 act and to authorize the Comptroller General, upon the recommendation of the head of any Federal agency, to remit liquidated damages provided for in any contract of such agency.

It is understood, also, that your committee desires comment of the General Accounting Office with respect to the desirability of the proposed section 6 of H. R. 9129, which would be a Federal Records Act of 1950. Although the General

Accounting Office is not the agency primarily concerned, it may be said that this act is designed to bring about improved management of Government records. It would impose on the Administrator of General Services the principal responsibility to accomplish this purpose, with the necessary measure of authority to carry out his responsibility in proper balance with the duties and requirements of all the agencies. There would be a central agency, working in cooperation with all others, to lead and coordinate a program of more efficient and effective utilization, maintenance, and disposal of records.

The heads of the Federal agencies would have definite responsibilities in the program, and provision is made for full consideration of their jurisdiction and needs. They would be required to observe standards and principles laid down by the Administrator of General Services, within his authority, and any violation of the act would be reported by the Administrator to the Congress and the President. Adequate safeguards are provided for the performance by the General Accounting Office of its assigned functions.

The Comptroller General and I long have recognized the seriousness of the problems arising from the ever-growing volume of Government records. It is one in the solution of which all of us—the Congress and the President, the departments and agencies, and the taxpayers—have a large stake. A carefully planned, concerted attack on the problem by all concerned is essential. The proposed legislation appears well suited to the undertaking. It would establish a central responsible agency, and call for active participation by all the agencies. It would provide machinery to guide and assist those agencies in the betterment of their own records, practices, and procedures. Just as is the case in the accounting field, where the Comptroller General, the Secretary of the Treasury, and the Director of the Bureau of the Budget—the heads of the three central fiscal agencies—have joined with all the agencies in a cooperative program to improve Federal accounting and financial reporting, a comparable program for Federal records, under the leadership of the Administrator of General Services, should be a significant step toward greater economy and efficiency in Government.

Sincerely yours,

FRANK L. YATES,

Acting Comptroller General of the United States.

GENERAL ACCOUNTING OFFICE SECTION-BY-SECTION ANALYSIS OF H. R. 9129,
EIGHT-FIRST CONGRESS

Section 1 of the bill is a clarification of existing authority.

Section 2 of the bill would have the general effect of eliminating the surcharge presently added to the cost of goods procured for other agencies so that operating costs would be borne by annual appropriations to the General Services Administration instead of being hidden in the expenses of the requisitioning agencies. This result would appear desirable.

Section 3 would amend subsection (b) of section 109 of the Federal Property and Administrative Services Act by (1) removing the provision for preparation of vouchers by requisitioning agencies, which is understood to have been a cause of delay in payments, and substituting therefor a provision for reimbursement in accordance with accounting procedures which will be approved by the Comptroller General, and (2) amending the proviso of the said subsection to prevent the Administrator from employing the "automatic" warrant or other lawful transfer document procedure provided for therein until at least 45 days shall have elapsed from the date when an actual liability has been incurred by the General Services Administration on behalf of the requisitioning agency. This Office approves the proposed amendments.

Section 3 (b) of the bill would confer on the Administrator of General Services specific authority to charge proper fees for testing services rendered to vendors and producers. Such provision is believed to be desirable.

Section 4 would authorize the Administrator of General Services to donate surplus property for educational purposes or public-health purposes to tax-supported and nonprofit institutions such as specified in the said section. Under existing law, the Administrator has authority to donate surplus real property for health purposes and to donate surplus personal or real property for educational purposes, and there is not perceived any objection to the proposed amendment.

Section 5 of the bill relates to operation of buildings and related activities and to automobile identification. Aside from the redesignation of sections, the part relating to operation of buildings is largely a consolidation and restatement of existing substantive authority of the Administrator of General Services and of authority which has heretofore been provided in annual appropriation acts.

The provisions of paragraphs 1, 2, 3, 4, 6, 7, 9, and 11 of subsection (a) are from annual appropriations and appear unobjectionable. Paragraph 5 transfers to the Administrator certain authority to pay rentals and make repairs, alterations, and improvements, without regard to the provision of section 322 of the act of June 30, 1932 (47 Stat. 412), with respect to leases entered into for other agencies formerly having such authority, or whose leases have been transferred to General Services Administration. Paragraph 8 confers on the Administrator authority to disregard the 25-percent limitation on repairs, alterations, or improvements to rented premises contained in section 322 of said act of June 30, 1932, in instances where he makes a determination that repairs, alterations, or improvements in excess of the limitation is advantageous to the Government. This Office offers no objection to these provisions, since under paragraph 5 the Administrator gets no authority not previously vested in the heads of other agencies and under paragraph 8 would be required to determine in each instance that the repairs, alterations, or improvements in excess of 25 percent is advantageous to the Government. Paragraph 10 would extend previous authority of the Administrator, with respect to the furnishing of utilities and other services, to surplus real property generally, and appears unobjectionable. Paragraph 12 would extend the Administrator's authority with respect to the acquisition of real estate and interests therein to include condemnation. Subsection 5 (b) would authorize the Administrator, at the request of any Federal agency or mixed-ownership corporation occupying any building owned by the United States or by such corporation, to operate, maintain, and protect such building. Paragraph 5 (c) would authorize the Administrator, at the request of any Federal agency or mixed-ownership corporation, to acquire land for buildings and projects authorized by the Congress, to make surveys, plans, etc., for such buildings and projects, and to contract for and supervise their construction and equipment. Such provisions generally follow Reorganization Plan No. 18, subsection 5 (d), providing for the same exceptions to the Administrator's authority as does said reorganization plan, and are unobjectionable.

The proposed new section 211 (p. 12 of the bill) entitled "Automobile Identification" has the approval of this Office.

Section 6 of the bill would constitute the Federal Records Act of 1950. Its provisions have the approval of this Office and, also, conform to recommendations of the Hoover Commission.

The proposed new section 502 of the Federal Property and Administrative Services Act of 1949 (p. 13 of the bill) merely restates provisions of existing law vesting in the Administrator of General Services custody and control of the National Archives Building and its contents, but adds authority to design, construct, and maintain records centers.

Section 503 continues the National Historical Publications Commission with a different and enlarged membership, including representatives of the three branches of the Government and the public, provides for filling vacancies in the membership, for payment of the Commission's expenses and the compensation of the members representing the public, and sets out the duties of the Commission. There is not perceived any objection to the provisions of this section.

Section 504 provides for the establishment of a Federal Records Council, with which the Administrator shall advise and consult in carrying out the purposes of the act. This Council would supplant the existing National Archives Council.

Subsection 505 (a) vests the Administrator with staff and coordinating responsibility for the economical and efficient management of records of Federal agencies.

Subsection 505 (b) requires the Administrator to establish standards for the selective retention of records, to assist the Federal agencies in applying such standards to records in their custody and to assist agency heads in protecting the records of their agencies against unauthorized damage or removal.

Subsection 505 (c) continues existing statutory authority of the Administrator to inspect records but provides that such inspection of records, the use of which is restricted by or pursuant to law or for reasons of national security or the public necessity, shall be in accordance with regulations promulgated by the Administrator subject to the approval of the head of the custodial agency.

Subsection 505 (d) clarifies and extends provisions of existing law by authorizing the Administrator to establish, maintain, and operate records centers for the storage, processing, and serving of records and to operate centralized microfilming services for Federal agencies. This subsection carries out the recommendations of the Hoover Commission as to records centers.

Subsection 505 (e) is a new provision authorizing the Administrator to promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

Subsection 505 (f) also is a new provision authorizing the Administrator to provide for retaining records for a longer period than that specified in disposal schedules approved by Congress. Such provision seems desirable in order to meet changing needs and conditions with respect to disposal of records.

Section 506 prescribes the duties and responsibilities of agency heads with respect to the making, management, and preservation of adequate records, and includes a provision that nothing in the act shall be construed as limiting the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessening the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

Subsection 507 (a) authorizes the Administrator to accept for deposit with the National Archives the records of any Federal agency or of the Congress that are determined by the Archivist to have sufficient value to warrant their preservation, to direct and effect, with the approval of the head of the originating agency, the transfer of records of public or educational institutions or associations, and to effect the transfer of materials from private sources authorized to be received by the Administrator by the provisions of subsection 507 (e).

Subsection 507 (b) makes the Administrator responsible for the custody, use, and withdrawal of records transferred to him. It contains four provisos respecting restrictions on the use of records, three of which merely retain existing statutory restrictions. The third proviso is new, providing that restrictions referred to in this subsection shall not remain in force after the records have been in existence for 50 years, unless otherwise determined by the Administrator with respect to specific bodies of records.

Section 507 (c) continues, in substance, the provisions of existing law as to the preservation, arrangement, repair, and reproduction of records transferred to the Administrator, and provides authority for the Administrator to publish certain works approved by the National Historical Publications Commission.

Section 507 (d) continues existing authority for providing reference service on records in the custody of the Administrator.

Section 507 (e) is a partially new provision authorizing the Administrator to accept for deposit the personal papers and other personal historical documentary material of high Government officials under specified restrictions; also, motion-picture films, sound recordings, etc., from private sources.

Section 507 (f) authorizes the Administrator to make, preserve, and provide for the use of motion-picture films, still pictures, and sound recordings pertaining to the historical development of the United States Government and its activities.

Section 508 (a) authorizes the Administrator to require reports from Federal agencies on their activities under this act and the Records Disposal Act.

Section 508 (b) authorizes the Administrator to inform the heads of agencies as to violations of the Federal Records Act of 1950 and, unless corrective action is taken, to report said violations to the President and the Congress.

Section 509 (a) is a new provision giving statutory authority for the retention of records reproduced on microfilm, or by other copying process in lieu of original records required by law to be retained indefinitely and providing that such reproductions shall have the same legal status as the original records.

Section 509 (b) continues the provisions of existing law with respect to an official seal of the National Archives of the United States and the admission in evidence of authenticated copies or reproductions of records.

Section 509 (c) continues the provisions of existing law with respect to fees for copies or reproductions of records, with a new provision permitting reimbursement of the cost of furnishing such copies or reproductions.

Section 510 would protect the United States and its agents from liability for any infringement of literary property rights that might result from the use of letters and other intellectual productions in the custody of the Administrator, exclusive of material copyrighted or patented.

Section 511 consists of definitions of the terms "records," "records centers," and other terms used in the bill.

Section 7 (a) of the bill would amend section 3 (d) of the Federal Property and Administrative Services Act of 1949 so as to exclude Government records from the definition of the word "property." The remainder of section 7 consists chiefly of amendments necessary for inserting the provisions of the bill in the Federal Property and Administrative Services Act, for expressly repealing the National Archives Act and for superseding specified provisions of certain statutes and of Executive Order No. 6166.

Section 8 of the bill contains provisions excepting the Senate, the House of Representatives, and the Architect of the Capitol from the provisions of the Federal

Property and Administrative Services Act of 1949, but providing that any services and facilities authorized by the act shall be available to the Senate, House of Representatives, and Architect of the Capitol upon their request. It is noted that there should be quotation marks at the beginning of line 21, page 33 of the bill.

Section 9 would amend section 205 (h) of the Federal Property and Administrative Services Act of 1949 by broadening the duty of the Administrator to consult with interested Federal agencies to the scope of the entire act.

Section 10 provides that whenever any contract made on behalf of the Government by the head of any Federal agency, or by officers authorized by him to do so, includes a provision for liquidated damages for delay, the Comptroller General upon recommendation of such head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable. This provision was incorporated in the bill at the suggestion of the General Accounting Office and is strongly recommended in the interest of uniformity in the matter of remission of liquidated damages. A similar provision of law is now contained in the Armed Services Procurement Act of 1947 (62 Stat. 21, 24), but it applies only to the Department of the Army, the Department of the Navy, the Department of the Air Force, the United States Coast Guard, and the National Advisory Committee for Aeronautics. Also, a similar provision is contained in section 306 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 396), but it applies only to contracts covered by title 3 of that act and made by executive agencies. I know of no sound reason for such limited application of the law.

As hereinbefore indicated, the provisions of H. R. 9129 have the approval of this Office or are considered unobjectionable.

GENERAL SERVICES ADMINISTRATION,
July 26, 1950.

HON. WILLIAM L. DAWSON,
*Chairman Committee on Expenditures in the Executive Departments,
House of Representatives, Washington 25, D. C.*

DEAR MR. DAWSON: Reference is made to H. R. 9129, entitled "A bill to amend the Federal Property and Administrative Services Act of 1949."

The proposed legislation has been the subject of extended study by me and my associates, and, as you know, my staff has assisted your staff in the consideration and drafting of the bill. This letter will therefore confirm the wholehearted support of the measure by this Administration.

I have been informally advised by the Bureau of the Budget that it has no objection to the submission of this report to your committee.

Sincerely yours,

JESS LARSON,
General Services Administrator.

CITIZENS COMMITTEE FOR THE HOOVER REPORT,
CITIZENS COMMITTEE FOR REORGANIZATION OF THE
EXECUTIVE BRANCH OF THE GOVERNMENT,
Washington 5, D. C., July 21, 1950.

HON. CHET HOLIFIELD,
*Chairman, Executive and Legislative Reorganization Subcommittee
of the Committee on Expenditures in the Executive Departments,
House of Representatives, Washington 25, D. C.*

MY DEAR MR. HOLIFIELD: The Citizens Committee for the Hoover Report has followed with interest the work of your committee resulting in H. R. 9129 (S. 3842). This committee, in following the progress of this bill, has worked closely with Emmett J. Leahy, executive director of the National Records Management Council, who directed the Hoover Commission's task force on records management in the Federal Government. We find that H. R. 9129 is fully consistent with the recommendations of the Hoover Commission. It is a pleasure, therefore, to assure you, on behalf of the Citizens Committee, of our complete endorsement of this bill.

The majority of the recommendations of the Hoover Commission and its task force on records management have been accepted by the President and the Congress. These Presidential and congressional enactments have been suitably implemented by the essential appropriations. The bill now being presented to

the Congress by your committee, if acted upon favorably by the Congress, will represent a 100-percent adoption of the letter as well as the spirit of the Hoover Commission's recommendations in the important field of Federal records management.

Complete adoption of the Hoover Commission's records management program slashes the immense clerical costs and red tape in the Federal Government. At the same time, it guarantees effective record making and record keeping as essential tools of management and as a service to the people by the Federal Government.

To this end, we should like to urge you to exert every effort to have the Congress accept your recommendations in this important field at this session of Congress.

Sincerely yours,

CHARLES B. COATES.

NATIONAL RECORDS MANAGEMENT COUNCIL,
New York City 1, July 14, 1950.

Representative CHET HOLIFIELD,

*Chairman, Subcommittee on Executive and Legislative Reorganization,
House Committee on Expenditures in the Executive Departments,
House of Representatives, Washington, D. C.*

MY DEAR REPRESENTATIVE HOLIFIELD: As director of the Hoover Commission's task force on records management and author of its report, I am very much interested in H. R. 9129, currently under consideration by your subcommittee.

I have carefully reviewed H. R. 9129 and compared it with the letter and spirit of our recommendations for the Hoover Commission. It is gratifying to find that your bill is wholly consistent with our recommendations.

You and your colleagues on the subcommittee are to be commended by all records management specialists, your constituents, and the general public for the excellent progress you have made toward slashing red tape and clerical costs in the Federal Government. At the same time, you are insuring greater effectiveness of records as tools of Federal management and service.

It is significant that your action promises to forge the Federal Government far ahead of both private business and State and local governments in the improvement and reduction of clerical operations including record making and record keeping.

We trust that you and your colleagues will not relent in your efforts to achieve these excellent objectives during the present session of Congress.

Cordially yours,

EMMETT J. LEAHY,
Executive Director.

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 (PUBLIC LAW 152, 81ST CONG., 1ST SESS., APPROVED JUNE 30, 1949)

SECTION 1. * * *

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SEC. 3. (b) The term "Federal Agency" means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, [and] the House of Representatives, and the Architect of the Capitol and any activities under his direction).

SEC. 3. (d) The term "property" means any interest in property of any kind except (1) the public domain and lands reserved or dedicated for national forest or national park purposes; [and] (2) naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines [.] ; and (3) records of the Federal Government.

* * * * *
SEC. 102. (a) The functions of (1) The Bureau of Federal Supply in the Department of the Treasury, (2) the Director of the Bureau of Federal Supply, (3) the personnel of such Bureau, and (4) the Secretary of the Treasury, relating to the Bureau of Federal Supply, are hereby transferred to the Administrator. The records, property, personnel, obligations, and commitments of the Bureau of Federal Supply, together with such additional records, property, and personnel of the Department of the Treasury as the Director of the Bureau of the Budget shall determine to relate primarily to functions transferred by this section or vested in the Administrator by titles II, III, and [V] VI, of this Act, are hereby transferred to the General Services Administration. The Bureau of Federal Supply and the office of Director of the Bureau of Federal Supply are hereby abolished.

SEC. 104. (b) There are also transferred to the General Services Administration the following bodies, together with their respective functions and such funds as are derived from Federal sources: (1) The [National Archives Council and the] National Historical Publications Commission, established by the Act of June 19, 1934 (48 Stat. 1122), (2) the National Archives Trust Fund Board, established by the Act of July 9, 1941 (55 Stat. 581), (3) the Board of Trustees of the Franklin D. Roosevelt Library, established by the Joint Resolution of July 18, 1939 (53 Stat. 1062), and (4) the Administrative Committee established by section 6 of the Act of July 26, 1935 (49 Stat. 501), which shall hereafter be known as the Administrative Committee of the Federal Register. The authority of the Administrator under section 106 hereof shall not extend to the bodies or functions affected by this subsection.

SEC. 109. (a) There is hereby authorized to be set aside in the Treasury a special fund which shall be known as the General Supply Fund. Such fund shall be composed of the assets of the general supply fund (including any surplus therein) created by section 3 of the Act of February 27, 1929 (45 Stat. 1342; 41 U. S. C. 7c), and transferred to the Administrator by section 102 of this Act, and such sums as may be appropriated thereto, and the fund shall assume all of the liabilities, obligations, and commitments of the general supply fund created by such Act of February 27, 1929. The capital of the General Supply Fund shall be in an amount not greater than \$75,000,000. The General Supply Fund shall be available for use by or under the direction and control of the Administrator (1) for procuring personal property (including the purchase from or through the Public Printer, [of standard forms and blank book work for field warehouse issue] for warehouse issue, of standard forms, blank book work, standard specifica-

tions, and other printed material in common use by Federal agencies not available through the Superintendent of Documents) and nonpersonal services for the use of Federal agencies in the proper discharge of their responsibilities and (2) for paying [all elements of cost of the procurement, handling, and distribution thereof, except that on and after July 1, 1950, those elements of cost which are determined by the Administrator with the approval of the Director of the Bureau of the Budget to be indirect or overhead costs shall not be paid from the fund.] *the purchase price, transportation to first storage point of supplies and services, and the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property.*¹

SEC. 109. (b) Payment by requisitioning agencies shall be at prices fixed by the Administrator. Until July 1, 1950, such prices shall be fixed in accordance with law and regulations applicable on the date of enactment of this Act to prices fixed by the Director of the Bureau of Federal Supply. On and after such date, such prices shall be fixed at levels so as to recover so far as practicable [all costs except those which are determined by the Administrator with the approval of the Director of the Bureau of the Budget to be indirect or overhead costs.] *the applicable purchase price, the transportation cost to first storage point, inventory losses, the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property, and the cost of amortization and repair of equipment utilized for lease or rent to executive agencies.*¹ Requisitioning agencies shall pay by advance of funds in all cases where it is determined by the Administrator that there is insufficient capital otherwise available in the General Supply Fund. Advances of funds also may be made by agreement between the requisitioning agencies and the Administrator. Where an advance of funds is not made, [requisitioning agencies shall promptly reimburse] *the General Services Administration shall be reimbursed promptly out of the funds of [on vouchers prepared by] the requisitioning agency [on the basis of itemized invoices submitted by the Administrator and receiving reports evidencing the delivery to the requisitioning agency of such supplies or services] in accordance with accounting procedures approved by the Comptroller General: Provided, That in any case where payment shall not have been made by the requisitioning agency within forty-five days after the date of billing by the Administrator or the date on which an actual liability for supplies or services is incurred by the Administrator, whichever is the later, reimbursement may be obtained by the Administrator by the issuance of transfer and counterwarrants, or other lawful transfer documents, supported by itemized invoices.*

SEC. 109. (g) *The Administrator of General Services is authorized in his discretion to charge vendors and producers of commodities considered for purchase such fees as he shall determine to be reasonable for testing such commodities for conformance to specifications and standards, and such fees may be deposited in the General Supply Fund and used to defray the expenses of conducting such tests as the Administrator may prescribe.*

SEC. 201. (b) The Administrator shall as far as practicable provide any of the services specified in subsection (a) of this section to any Federal agency, mixed ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, [or the Senate, or the House of Representatives,] upon its request.

SEC. 203. (j) (1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to donate for educational purposes or public health purposes, including research, in the States, Territories, and possessions without cost (except for costs of care and handling) such equipment, materials, books, or other supplies under the control of any executive agency as shall have been determined to be surplus property and which shall have been determined under paragraph (2) or paragraph (3) of this subsection to be usable and necessary for educational purposes [.] *or public health purposes, including research.*

(2) Determination whether such surplus property (except surplus property donated in conformity with paragraph (3) of this subsection) is usable and necessary for educational purposes or public health purposes, including research, shall be made by the Federal Security Administrator, who shall allocate such property on the basis of needs and utilization for transfer by the Administrator of General Services to tax-supported *medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities, and to other nonprofit medical institutions, hospitals, clinics, health centers, schools, colleges, and universities*

¹ With respect to the 2 amendments indicated by asterisks, sec. 2 (c) of the bill provides that they "shall be effective on the date, not earlier than July 1, 1950, on which the Administrator of General Services shall determine that appropriated funds adequate to effectuate the purposes of such amendments have been made available."

which have been held exempt from taxation under section 101 (6) of the Internal Revenue Code, or to State departments of education or health for distribution to such tax-supported and nonprofit *medical institutions, hospitals, clinics, health centers*, school systems, schools, colleges, and universities; except that in any State where another agency is designated by State law for such purpose such transfer shall be made to said agency for such distribution within the State.

(3) In the case of surplus property under the control of the National Military Establishment, the Secretary of Defense shall determine whether such property is usable and necessary for educational activities that are of special interest to the armed services, such as maritime academies or military, naval, Air Force, or Coast Guard preparatory schools. If such Secretary shall determine that such property is usable and necessary for such purposes, he shall allocate it for transfer by the Administrator to such educational activities. If he shall determine that such property is not usable and necessary for such purposes, it may be disposed of in accordance with paragraph 2 of this subsection.

SEC. 205. (h) The Administrator shall advise and consult with interested Federal agencies with a view to obtaining their advice and assistance in carrying out the purposes of this [title] Act.

SEC. 208. (a) The Administrator is authorized, subject to the civil-service and classification laws, to appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of titles I, II, III, [and V] V, and VI of this Act.

(b) To such extent as he finds necessary to carry out the provisions of titles I, II, III, [and V] V, and VI of this Act, the Administrator is hereby authorized to procure the temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract or appointment, and in such cases such service shall be without regard to the civil-service and classification laws, and, except in the case of stenographic reporting services by organizations, without regard to section 3709, Revised Statutes, as amended (41 U. S. C. 5).

(For greater convenience in comparison, a number of differences between existing law and H. R. 9129 are indicated in the following parallel columns:)

EXISTING LAW

FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 (PUBLIC LAW 152, 81ST CONG., APPROVED JUNE 30, 1949)

TABLE OF CONTENTS

* * * * *

Section 210

THE BILL

SEC. 5. The Federal Property and Administrative Services Act of 1949 is amended by—

(a) redesignating section 210 thereof as section 212, and wherever such section number appears in such Act as originally enacted, it is amended to conform to the redesignation prescribed by this subsection;

(b) inserting in the table of contents appearing in the first section of such Act, immediately after the line in which "Sec. 290." appears, the following:

"Sec. 210. Operation of buildings and related activities.

"Sec. 211. Motor vehicle identification."

(c) Inserting, immediately after section 209 thereof, the following new sections:

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INDEPENDENT OFFICES APPROPRIATION ACT OF 1950 (PUBLIC LAW 266, 81ST CONG., APPROVED AUGUST 24, 1949), UNDER THE HEADING FEDERAL WORKS AGENCY, PUBLIC BUILDINGS ADMINISTRATION

Purchase, repair, and cleaning of uniforms for guards and elevator conductors

Arms and ammunition for the guard force

Ground rent of the Federal buildings at Salamanca, New York, and Columbus, Mississippi, for which payment may be made in advance

Under the appropriations for salaries and expenses, public buildings and grounds in and outside the District of Columbia, and for National Industrial Reserve, per diem employees may be paid at rates approved by the Commissioner of Public Buildings not exceeding current rates for similar services in the place where such services are employed and such employees in emergencies may be entered on duty subject to confirmation by the Federal Works Administrator.

The provisions of section 322 of the Act of June 30, 1932, as amended (40 U. S. C. 278a), shall not apply to any lease entered into by, or transferred to the Public Buildings Administration for the housing of activities specifically exempted from the provisions of said Act, as amended.

SECTION 322 OF THE ACT OF JUNE 30, 1932 (47 STAT. 412), AS AMENDED

After June 30, 1932, no appropriation shall be obligated or expended for the rent of any building or part of a building to be occupied for Government purposes at a rental in excess of the per annum rate of 15 per centum of the fair market value of the rented premises at date of the lease under which the premises are

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OPERATION OF BUILDINGS AND RELATED ACTIVITIES

SEC. 210. (a) Whenever and to the extent that the Administrator has been or hereafter may be authorized by any provision of law other than this subsection to maintain, operate, and protect any building, property, or grounds situated in or outside the District of Columbia, including the construction, repair, preservation, demolition, furnishing, and equipment thereof, he is authorized in the discharge of the duties so conferred upon him—

(1) to purchase, repair, and clean uniforms for civilian employees of the General Services Administration who are required by law or regulation to wear uniform clothing;

(2) to furnish arms and ammunition for the protection force maintained by the General Services Administration;

(3) to pay ground rent for buildings owned by the United States or occupied by Federal agencies, and to pay such rent in advance when required by law or when the Administrator shall determine such action to be in the public interest;

(4) to employ and pay personnel employed in connection with the function of operation, maintenance, and protection of property at such per diem rates as may be approved by the Administrator, not exceeding rates currently paid by private industry for similar services in the place where such services are performed;

(5) without regard to the provisions of section 322 of the Act of June 30, 1932 (47 Stat. 412), as amended, to pay rental, and to make repairs, alterations, and improvements under the terms of any lease entered into by, or transferred to, the General Services Administration for the housing of any Federal agency which on June 30, 1950, was specifically exempted by law from the requirements of said section;

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to be occupied by the Government nor for alterations, improvements, and repairs of the rented premises in excess of 25 per centum of the amount of the rent for the first year of the rental term, or for the rental term if less than one year: *Provided*, That the provisions of this section shall not apply to leases made prior to June 30, 1932, except when renewals thereof are made after such date, nor to leases of premises in foreign countries for the foreign services of the United States: *Provided further*, That the provisions of this section as applicable to rentals, shall apply only where the rental to be paid shall exceed \$2,000 per annum.

INDEPENDENT OFFICES APPROPRIATION ACT OF 1950, SUPRA

The appropriations for salaries and expenses, public buildings and grounds in and outside the District of Columbia, shall be available for communication services serving one or more governmental activities, and for services to motor vehicles, and where such services, together with quarters, maintenance, or other services, are furnished on a reimbursable basis to any governmental activity, such activity shall make payment therefor promptly by check upon the request of the Public Buildings Administration, either in advance or after the service has been furnished, for deposit to the credit of the applicable appropriation, of all or part of the estimated or actual cost thereof, as the case may be, proper adjustment upon the basis of actual cost to be made for services paid for in advance.

And for changes in, maintenance of and repairs to the pneumatic-tube system in New York City installed under franchises of the City of New York, approved June 29, 1909, and June 11, 1928, and the payment of any obligations arising thereunder in accordance with the provisions of the Acts approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533).

SECTION 322 OF THE ACT OF JUNE 30, 1932, SUPRA

After June 30, 1932, no appropriation shall be obligated or expended for the rent of any building or part of a building to be occupied for Government purposes at a rental in excess of the per annum

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(6) to obtain payments, through advances or otherwise, for services, space, quarters, maintenance, repair, or other facilities furnished, on a reimbursable basis, to any other Federal agency, or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, and to credit such payments to the applicable appropriation of the General Services Administration;

(7) to make changes in, maintain, and repair the pneumatic tube system connecting buildings owned by the United States or occupied by Federal agencies in New York City installed under franchise of the City of New York, approved June 29, 1909, and June 11, 1928, and to make payments of any obligations arising thereunder in accordance with the provisions of the Acts approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533);

(8) to repair, alter, and improve rented premises, without regard to the 25 per centum limitation of Section 322 of the Act of June 30, 1932 (47 Stat. 412), as amended,

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rate of 15 per centum of the fair market value of the rented premises at date of the lease under which the premises are to be occupied by the Government nor for alterations, improvements, and repairs of the rented premises in excess of 25 per centum of the amount of the rent for the first year of the rental term, or for the rental term if less than one year: *Provided*, That the provisions of this section shall not apply to leases made prior to June 30, 1932, except when renewals thereof are made after such date, nor to leases of premises in foreign countries for the foreign services of the United States: *Provided further*, That the provisions of this section as applicable to rentals, shall apply only where the rental to be paid shall exceed \$2,000 per annum.

THIRD DEFICIENCY APPROPRIATION ACT
OF 1949 (PUBLIC LAW 343, 81st
CONG., APPROVED OCTOBER 10, 1949)

Payments to States or political subdivisions thereof of sums in lieu of taxes accruing against real property declared surplus by Government corporations.

INDEPENDENT OFFICES APPROPRIATION
ACT OF 1950

Provided further, That the Public Buildings Administration may furnish necessary utilities or services, at cost, to persons, firms, or corporations in connection with the occupancy of such plants and the amounts received therefor may be credited as reimbursements to this appropriation.

SECTION 3719, REVISED STATUTES (31
U. S. C. 484)

DEPOSIT WITHOUT DEDUCTION. The gross amount of all moneys received from whatever source for the use of the United States, except as otherwise provided, shall be paid by the officer or agent receiving the same into the Treasury, at as early a day as practicable, without any abatement or deduction on account of salary, fees, costs, charges, expenses, or claim of any description whatever. But nothing herein shall affect any provision relating to the revenues of the Post Office Department.

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upon a determination by the Administrator that by reason of circumstances set forth in such determination the execution of such work, without reference to such limitation, is advantageous to the Government in terms of economy, efficiency, or national security: *Provided*, That such determination shall show that the total cost (rentals, repairs, alterations, and improvements) to the Government for the expected life of the lease shall be less than the cost of alternative space which needs no such repairs, alterations, or improvements. A copy of every such determination so made shall be furnished to the General Accounting Office;

(9) to pay sums in lieu of taxes on real property declared surplus by Government corporations, pursuant to the Surplus Property Act of 1944, where legal title to such property remains in any such Government corporation;

(10) To furnish utilities and other services where such utilities and other services are not provided from other sources to persons, firms, or corporations occupying or utilizing plants or portions of plants which constitute (A) a part of the National Industrial Reserve pursuant to the National Industrial Reserve Act of 1948, or (B) surplus real property, and to credit the amounts received therefrom to the applicable appropriation of the General Services Administration;

(11) at the direction of the Secretary of Defense, to use proceeds received from insurance against damage to properties of the National Industrial Reserve for repair or restoration of the damaged properties; and

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SECTION 1 OF THE PUBLIC BUILDINGS
ACT OF 1926 (APPROVED MAY 25,
1926), AS AMENDED, (40 U. S. C. 341)

To enable the Administrator of General Services to provide suitable accommodations in the District of Columbia for the executive departments, and independent establishments of the Government not under any executive department, and for courthouses, post offices, immigration stations, custom-houses, marine hospitals, quarantine stations, and other public buildings of the classes under the control of the General Services Administration in the States, Territories, and possessions of the United States, he is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, such sites and additions to sites as he may deem necessary.

(12) to acquire, by purchase, condemnation, or otherwise, real estate and interests therein.

SECTION 322 OF THE ACT OF JUNE 30,
1932, AS AMENDED, SUPRA

After June 30, 1932, no appropriation shall be obligated or expended for the rent of any building or part of a building to be occupied for Government purposes at a rental in excess of the per annum rate of 15 per centum of the fair market value of the rented premises at date of the lease under which the premises are to be occupied by the Government nor for alterations, improvements, and repairs of the rented premises in excess of 25 per centum of the amount of the rent for the first year of the rental term, or for the rental term if less than one year: *Provided*, That the provisions of this section shall not apply to leases made prior to June 30, 1932, except when renewals thereof are made after such date, nor to leases of premises in foreign countries for the foreign services of the United States: *Provided further*, That the provisions of this section as applicable to rentals, shall apply only where the rental to be paid shall exceed \$2,000 per annum.

(b) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, the Administration is hereby authorized to operate, maintain, and protect any building owned by the United States (or, in the case of any wholly owned or mixed-ownership Government corporation, by such corporation) and occupied by the agency or instrumentality making such request.

ACT OF JUNE 25, 1910 (40 U. S. C. 265)
AS AMENDED

The Administrator of General Services may, in his discretion, upon the request of the head of any other executive department, independent establishment, or other Federal agency, cause the General Services Administration to carry out the construction of any building or buildings for governmental purposes which any such executive department, establishment, or agency may be

(c) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), the District of Columbia, the Administrator is hereby authorized (1) to acquire land for buildings and projects authorized by the Congress; (2) to make or cause to be made, under contract or otherwise, surveys and test borings and to prepare plans and specifications for such buildings and projects prior to the approval by the Attorney General of the title to

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authorized to have constructed, including the preparation of plans, drawings, designs, specifications, and estimates, the acquisition of land necessary for sites, the execution of contracts, and supervision of construction: *Provided*, That funds appropriated to other executive departments, independent establishments, or other Federal agencies for the foregoing purposes shall be available for transfer to and expenditure by the General Services Administration in whole or in part, either in reimbursement of the proper appropriations of the General Services Administration, for the cost of such work, or as advances to special accounts for the purpose of providing for the prosecution of said work.

REORGANIZATION PLAN NO. 18 OF 1950

SEC. 2. TRANSFER OF OFFICE BUILDING MANAGEMENT FUNCTIONS.—All functions with respect to the operation, maintenance, and custody of office buildings owned by the Government and of office buildings or parts thereof acquired by lease, including those post-office buildings which, as determined by the Director of the Bureau of the Budget, are not used predominantly for post-office purposes, are hereby transferred from the respective agencies in which now vested to the Administrator of General Services, exclusive, however, of all such functions with respect to—

(a) any building located in any foreign country;

(b) any building located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, air field, proving ground, military supply depot, or school, or of any similar facility, of the Department of Defense, unless and to such extent as a permit for its use by another agency or agencies shall have been issued by the Secretary of Defense or his duly authorized representative;

(c) any building which the Administrator of General Services finds to be a part of a group of buildings which are (1) located in the same vicinity, (2) are utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (3) are not generally suitable for the use of other agencies; and

(d) The Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Bureau of Standards,

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the sites thereof; and (3) to contract for, and to supervise, the construction and development and the equipping of such buildings or projects. Any sum available to any such Federal agency or instrumentality for any such building or project may be transferred by such agency to the General Services Administration in advance for such purposes as the Administrator shall determine to be necessary, including the payment of salaries and expenses of personnel engaged in the preparation of plans and specifications or in field supervision, and for general office expenses to be incurred in the rendition of any such service.

(d) Whenever the Director of the Bureau of the Budget shall determine such action to be in the interest of economy or efficiency, he shall transfer to the Administrator all functions then vested in any other Federal agency with respect to the operation, maintenance, and custody of any office building owned by the United States or any wholly owned Government corporation, or any office building or part thereof occupied by any Federal agency under any lease, except that no transfer shall be made under this subsection—

(1) of any post-office building unless the Director shall first determine that such building is not used predominantly for post-office purposes, and functions which are transferred hereunder to the Administrator with respect to any post-office building may be delegated by him only to another officer or employee of the General Services Administration or to the Postmaster General;

(2) of any building located in any foreign country;

(3) of any building located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, airfield, proving ground, military supply depot, or school, or any similar facility of the Department of Defense, unless and to such extent as a permit for its use by another agency or agencies shall have been issued by the Secretary of Defense or his duly authorized representative;

(4) of any building which the Director of the Bureau of the

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and the buildings under the jurisdiction of the regents of the Smithsonian Institution.

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Budget finds to be a part of a group of buildings which are (A) located in the same vicinity, (B) utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (C) not generally suitable for the use of other agencies;

(5) of the Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Bureau of Standards, and the buildings under the jurisdiction of the regents of the Smithsonian Institution; or

(6) of the office buildings of the Senate and House of Representatives, the building occupied by the Supreme Court of the United States, the buildings occupied by the Library of Congress and the Columbia Hospital in the District of Columbia, and any other buildings and grounds under the jurisdiction of the Architect of the Capitol.

MOTOR VEHICLE IDENTIFICATION

SEC. 211. Under regulations prescribed by the Administrator, every motor vehicle acquired and used for official purposes within the United States, its Territories, or possessions, by any Federal agency or the District of Columbia shall be conspicuously identified by showing thereon either (a) the full name of the department, establishment, corporation, or agency by which it is used and the service in which it is used, or (b) a title descriptive of the service in which it is used if such title readily identifies the department, establishment, corporation, or agency concerned: Provided, That the regulations issued pursuant to this section may provide for exemptions from the requirement of this section when conspicuous identification would interfere with the purpose for which a vehicle is acquired and used.

REPORTS TO CONGRESS

SEC. [210] 212. The Administrator shall submit a report to the Congress, in January of each year and at such other times as he may deem it desirable, regarding the administration of his functions under this Act, together with such recommendations for amendments to this Act as he may deem appropriate as the result of the administration of such functions, at which time he shall also cite the laws becoming obsolete by reason of passage or operation of the provisions of this Act.

[WAIVER OF LIQUIDATED DAMAGES]

[SEC. 306. Whenever any contract made on behalf of the Government by the agency head or by officers authorized by him so to do includes a provision for liquidated damages for delay, the Comptroller General on the recommendation of the agency head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable.]

Section 10 of the bill reads as follows:

SEC. 10. (a) Whenever any contract made on behalf of the Government by the head of any Federal agency, or by officers authorized by him so to do, includes a provision for liquidated damages for delay, the Comptroller General upon recommendation of such head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable.

(b) Section 306 of the Federal Property and Administrative Services Act of 1949, is hereby repealed, and this section shall be effective as of July 1, 1949.

TITLE V—FEDERAL RECORDS

SHORT TITLE

SEC. 501. This title may be cited as the "Federal Records Act of 1950".

CUSTODY AND CONTROL OF PROPERTY

SEC. 502. The Administrator shall have immediate custody and control of the National Archives Building and its contents, and shall have authority to design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere.

NATIONAL HISTORICAL PUBLICATIONS COMMISSION

SEC. 503. (a) There is hereby created a National Historical Publications Commission consisting of the Archivist (or an alternate designated by him), who shall be Chairman; the Librarian of Congress (or an alternate designated by him); one Member of the United States Senate to be appointed, for a term of four years, by the President of the Senate; one Member of the House of Representatives to be appointed, for a term of two years, by the Speaker of the House of Representatives; one representative of the judicial branch of the Government to be appointed, for a term of four years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of four years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of four years, by the Secretary of Defense; two members of the American Historical Association to be appointed by the council of the said association, one of whom shall serve an initial term of two years and the other an initial term of three years, but their successors shall be appointed for the terms of four years; and two other members outstanding in the fields of the social or physical sciences to be appointed by the President of the United States, one of whom shall serve an initial term of one year and the other an initial term of three years, but their successors shall be appointed for terms of four years. The Commission shall meet annually and on call of the Chairman.

(b) Any person appointed to fill a vacancy in the membership of the Commission shall be appointed only for the unexpired term of the member whom he shall succeed, and his appointment shall be made in the same manner in which the appointment of his predecessor was made.

(c) The Commission is authorized to appoint, without reference to the Classification Act of 1949 (Public Law 429, 81st Congress, approved October 28, 1949), an executive director and such editorial and clerical staff as the Commission may determine to be necessary. Members of the Commission who represent any branch or agency of the Government shall serve as members of the Commission without additional compensation. All members of the Commission shall be reimbursed for transportation expenses incurred in attending meetings of the Commission, and all such members other than those who represent any branch or agency of the Government of the United States shall receive in lieu of subsistence en route to or from or at the place of such service, for each day actually spent in connection with the performance of their duties as members of such Commission, such sum, not to exceed \$25, as the Commission shall prescribe.

(d) The Commission shall make plans, estimates, and recommendations for such historical works and collections of sources as it deems appropriate for printing or otherwise recording at the public expense. The Commission shall also cooperate with and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it deems such action to be desirable, in editing and publishing the papers of outstanding citizens of the United States and such other documents as may be important for an understanding and appreciation of the history of the United States. The Chairman of the Commission shall transmit to the Administrator from time to time, and at least once annually, such plans, estimates, and recommendations as have been approved by the Commission.

FEDERAL RECORDS COUNCIL

SEC. 504. The Administrator shall establish a Federal Records Council, and shall advise and consult with the Council with a view to obtaining its advice and assistance in carrying out the purposes of this title. The Council shall include representatives of the legislative, judicial, and executive branches of the Government in such number as the Administrator shall determine, but such Council shall include at least four representatives of the legislative branch, at least two representatives of the judicial

branch, and at least six representatives of the executive branch. Members of the Council representing the legislative branch shall be designated, in equal number, by the President of the Senate and the Speaker of the House of Representatives, respectively. Members of the Council representing the judicial branch shall be designated by the Chief Justice of the United States. The Administrator is authorized to designate from persons named by the head of any executive agency concerned, not more than one representative from such agency to serve as a member of the Council. Members of the Council shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties as members of the Council. The Council shall elect a chairman from among its own membership, and shall meet at least once annually.

RECORDS MANAGEMENT; THE ADMINISTRATOR

SEC. 505. (a) The Administrator shall make provisions for the economical and efficient management of records of Federal agencies (1) by analyzing, developing, promoting, and coordinating standards, procedures, and techniques designed to improve the management of records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value, and (2) by promoting the efficient and economical utilization of space, equipment, and supplies needed for the purpose of creating, maintaining, storing, and servicing records.

(b) The Administrator shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying such standards to records in their custody; and he shall notify the head of any Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of such agency that shall come to his attention, and assist the head of such agency in initiating action through the Attorney General for the recovery of such records as shall have been unlawfully removed and for such other redress as may be provided by law.

(c) The Administrator is authorized to inspect or survey personally or by deputy the records of any Federal agency, as well as to make surveys of records management and records disposal practices in such agencies, and shall be given the full cooperation of officials and employees of agencies in such inspections and surveys: Provided, That records, the use of which is restricted by or pursuant to law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the custodial agency.

(d) The Administrator is authorized to establish, maintain, and operate records centers for the storage, processing, and servicing of records for Federal agencies pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and to establish, maintain, and operate centralized microfilming services for Federal agencies.

(e) Subject to applicable provisions of law, the Administrator shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

(f) The Administrator may empower any Federal agency, upon the submission of evidence of need therefor, to retain records for a longer period than that specified in disposal schedules approved by Congress, and, in accordance with regulations promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules approved by Congress.

RECORDS MANAGEMENT; AGENCY HEADS

SEC. 506. (a) The head of each Federal agency shall cause to be made and preserved records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

(b) The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. Such program shall, among other things, provide for (1) effective controls over the creation, maintenance, and use of records in the conduct of current business; (2) cooperation with the Administrator in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and (3) compliance with the provisions of this title and the regulations issued thereunder.

(c) Whenever the head of a Federal agency determines that substantial economies or increased operating efficiency can be effected thereby, he shall provide for the storage, processing, and servicing of records that are appropriate therefor in a records center maintained and operated by the Administrator or, when approved by the Administrator, in such a center maintained and operated by the head of such Federal agency.

(d) Any official of the Government who is authorized to certify to facts on the basis of records in his custody, is hereby authorized to certify to facts on the basis of records that have been transferred by him or his predecessors to the Administrator.

(e) The head of each Federal agency shall establish such safeguards against the removal or loss of records as he shall determine to be necessary and as may be required by regulations of the Administrator. Such safeguards shall include making it known to all officials and employees of the agency (1) that no records in the custody of the agency are to be alienated or destroyed except in accordance with the provisions of the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434), and (2) the penalties provided by law for the unlawful removal or destruction of records.

(f) The head of each Federal agency shall notify the Administrator of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Administrator shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from any other Federal agency whose records have been transferred to his legal custody.

(g) Nothing in this title shall be construed as limiting the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessening the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

ARCHIVAL ADMINISTRATION

SEC. 507. (a) The Administrator, whenever it appears to him to be in the public interest, is hereby authorized—

(1) to accept for deposit with the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government;

(2) to direct and effect, with the approval of the head of the originating agency (or if the existence of such agency shall have been terminated, then with the approval of his successor in function, if any), the transfer of records deposited (or approved for deposit) with the National Archives of the United States to public or educational institutions or associations: Provided, That the title to such records shall remain vested in the United States unless otherwise authorized by Congress; and

(3) to direct and effect the transfer of materials from private sources authorized to be received by the Administrator by the provisions of subsection (e) of this section.

(b) The Administrator shall be responsible for the custody, use, and withdrawal of records transferred to him: Provided, That whenever any records the use of which is subject to statutory limitations and restrictions are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency from which the records were transferred or to employees of that agency shall thereafter likewise be applicable to the Administrator, the Archivist, and to the employees of the General Services Administration, respectively: Provided further, That whenever the head of any agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being considered for transfer from his custody to the Administrator, the Administrator shall impose such restrictions on the records so transferred, and shall not remove or relax such restrictions without the concurrence in writing of the head of the agency from which the material shall have been transferred (or if the existence of such agency shall have been terminated, then he shall not remove or relax such restrictions without the concurrence of the successor in function, if any, of such agency head): Provided, however, That statutory and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for fifty years unless the Administrator by order shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a longer period: And provided further, That restrictions on the use or examination of records deposited with the National Archives of the United States heretofore imposed and now in force and effect under the terms of section 3 of the National

Archives Act, approved June 19, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which material has been transferred (or if the existence of such agency shall have been terminated, then with the concurrence in writing of his successor in function, if any).

(c) The Administrator shall make provisions for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides facilitating their use; and, when approved by the National Historical Publications Commission, he may also publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.

(d) The Administrator shall make such provisions and maintain such facilities as he deems necessary or desirable for servicing records in his custody that are not exempt from examination by statutory provisions or other restrictions.

(e) The Administrator may accept for deposit—

(1) the personal papers and other personal historical documentary materials of the present President of the United States, his successors, heads of executive departments, and such other officials of the Government as the President may designate, offered for deposit under restrictions respecting their use specified in writing by the prospective depositors: Provided, That restrictions so specified on such materials, or any portions thereof, accepted by the Administrator for such deposit shall have force and effect during the lifetime of the depositor or for a period not to exceed twenty-five years, whichever is longer, unless sooner terminated in writing by the depositor or his legal heirs: And provided further, That the Archivist determines that the materials accepted for such deposit will have continuing historical or other values;

(2) motion-picture films, still pictures, and sound recordings from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.

Title to materials so deposited under this subsection shall pass to and vest in the United States.

(f) The Administrator is hereby authorized to make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and to make provisions for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for nonprofit educational purposes motion-picture films, still pictures, and sound recordings in his custody.

REPORTS

SEC. 508. (a) The Administrator is hereby authorized whenever he deems it necessary to obtain reports from Federal agencies on their activities under the provisions of this title and the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 484).

(b) The Administrator shall, whenever he finds that any provisions of this title have been or are being violated, inform in writing the head of the agency concerned of such violations and make recommendations regarding means of correcting them. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report thereon to the President and the Congress.

LEGAL STATUS OF REPRODUCTION

SEC. 509. (a) Whenever any records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes; in accordance with standards established by the Administrator, the indefinite retention of such photographic, microphotographic, or other reproductions will be deemed to constitute compliance with the statutory requirement for the indefinite retention of such original records. Such reproductions, as well as reproductions made in compliance with regulations promulgated to carry out this title, shall have the same legal status as the originals thereof.

(b) There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When any copy or reproduction, furnished under the terms hereof, is authenticated by such official seal and certified by the Administrator, such copy or reproduction shall be admitted in evidence equally with the original from which it was made.

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(c) The Administrator may charge a fee not in excess of 10 per centum above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund provided for in section 5 of the Act approved July 9, 1941. There shall be no charge for making or authenticating copies or reproductions of such materials for official use by the United States Government: Provided, That reimbursement may be accepted to cover the cost of furnishing such copies or reproductions that could not otherwise be furnished.

LIMITATION ON LIABILITY

SEC. 510. With respect to letters and other intellectual productions (exclusive of material copyrighted or patented) after they come into the custody or possession of the Administrator, neither the United States nor its agents shall be liable for any infringement of literary property rights or analogous rights arising thereafter out of use of such materials for display, inspection, research, reproduction, or other purposes.

DEFINITIONS

SEC. 511. When used in this title—

(a) The term "records" shall have the meaning given to such term by section 1 of the Act entitled "An Act to provide for the disposal of certain records of the United States Government", approved July 7, 1943 (57 Stat. 380, as amended; 44 U. S. C. 366);

(b) The term "records center" means an establishment maintained by the Administrator or by a Federal agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space;

(c) The term "servicing" means making available for use information in records and other materials in the custody of the Administrator—

(1) by furnishing such records or other materials, or information from such records or other materials, or copies or reproductions thereof to agencies of the Government for official use and to the public; and

(2) by making and furnishing authenticated or unauthenticated copies or reproductions of such records and other materials;

(d) The term "National Archives of the United States" means those official records that have been determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, and have been accepted by the Administrator for deposit in his custody;

(e) The term "unauthenticated copies" means exact copies or reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence; and

(f) The term "Archivist" means the Archivist of the United States.

TITLE [V] VI—GENERAL PROVISIONS

APPLICABILITY OF EXISTING PROCEDURES

SEC. [501] 601.—All policies, procedures, and directives prescribed—

* * * * *

REPEAL AND SAVING PROVISION

SEC. [502] 602. (a) There are hereby repealed—

* * * * *

(30) the Act of February 27, 1929 (45 Stat. 1341; 41 U. S. C. 7a, 7b, 7c, and 7d); [and]

(31) section 1 of the Act of May 14, 1935 (49 Stat. 234; 41 U. S. C. 7c-1 [];

(32) the Act entitled "An Act to establish a National Archives of the United States Government, and for other purposes," approved June 19, 1934 (48 Stat. 1122-1124, as amended; 44 U. S. C. 300, 300a, 300c-k); and

(33) section 4 of the Act of February 3, 1905 (33 Stat. 687, as amended; 5 U. S. C. 77).

(b) There are hereby superseded—

(1) [The] the provisions of the first, third, and fifth paragraphs of section 1 of Executive Order Numbered 6166 of June 10, 1933, [are hereby superseded] insofar as they relate to any function now administered by the Bureau of

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Federal Supply except functions with respect to standard contract forms []; and

(2) sections 2 and 4 of the Act entitled "An Act to provide for the disposal of certain records of the United States Government," approved July 7, 1943 (57 Stat. 380-383, as amended; 44 U. S. C. 367 and 369), to the extent that the provisions thereof are inconsistent with the provisions of title V of this Act.

(c) The authority conferred by this Act shall be [is] in addition and paramount to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith, except that sections 205 (b) and 206 (c) of this Act shall not be applicable to any Government corporation or agency which is subject to the Government Corporation Control Act (59 Stat. 597; 31 U. S. C. 841).

(d) Nothing in this Act shall impair or affect any authority of—

* * * * *

(17) the Central Intelligence Agency;

[(18) except as provided in subsections (a) and (b) hereof, any other law relating to the procurement, utilization, or disposal of property: Provided, That, subject to, and within the scope of authority conferred on the Administrator by other provisions of this Act, he is authorized to prescribe regulations to govern any procurement, utilization, or disposal of property under any such law, whenever but only to the extent he deems such action necessary to effectuate the provisions of title II; nor]

(18) the Joint Committee on Printing, under the Act entitled "An Act providing for the public printing and binding and the distribution of public documents" approved January 12, 1895 (28 Stat. 601), as amended, or any other Act; or

(19) for such period of time as the President may specify, any other authority of any executive agency which the President determines within one year after the effective date of this Act should, in the public interest, stand unimpaired by this Act.

SEC. 602. (e) No provision of this Act as originally enacted or as herein amended shall apply to the Senate or the House of Representatives (including the Architect of the Capitol and any building, activity, or function under his direction), but any of the services and facilities authorized by this Act to be rendered or furnished shall, as far as practicable, be made available to the Senate, the House of Representatives, or the Architect of the Capitol, upon their request, and, if payment would be required for the rendition or furnishing of a similar service or facility to an executive agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the Administrator and the officer or body making such request). Such payment may be credited to the applicable appropriation of the executive agency receiving such payment.

SEC. 602. [(e)] (f) Section 3709, Revised Statutes, as amended (41 U. S. C. 5), is amended by striking out "\$100" wherever it appears therein and inserting in lieu thereof "\$500".

AUTHORIZATIONS FOR APPROPRIATIONS AND TRANSFER AUTHORITY

SEC. [503] 603. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act [], including payment in advance, when authorized by the Administrator, for library memberships in societies whose publications are available to members only, or to members at a price lower than that charged to the general public.

(b) When authorized by the Director of the Bureau of the Budget, any Federal agency may use, for the disposition of property under this Act, and for its care and handling pending such disposition, any funds heretofore or hereafter appropriated, allocated, or available to it for purposes similar to those provided for in sections 201, 202, 203, and 205 of this Act.

SEPARABILITY

SEC. [504] 604. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

EFFECTIVE DATE

SEC. [505] 605. This Act shall become effective on July 1, 1949, except that the provisions of section [502] 602 (a) (2) (repealing prior law relating to the

disposition of the affairs of the War Assets Administration) shall become effective on June 30, 1949.

Section 11 of the bill reads as follows:

SEC. 11. All laws or parts of law in conflict with the amendments made by this Act are, to the extent of such conflict, hereby repealed.

THE NATIONAL ARCHIVES ACT, APPROVED JUNE 19, 1934, AS AMENDED (44 U. S. C. 300, 300a, 300c-K)

[There is hereby created the Office of the Archivist of the United States, the Archivist to be appointed by the President of the United States, by and with the advice and consent of the Senate.]

[SEC. 2. The salary of the Archivist shall be \$10,000 annually. All persons to be employed in the National Archives Establishment shall be appointed by the Archivist solely with reference to their fitness for their particular duties and without regard to civil service law; and the Archivist shall make rules and regulations for the government of the National Archives; but any official or employee with the salary of \$5,000 or over shall be appointed by the President by and with the consent of the Senate.¹]

[SEC. 3. All archives or records belonging to the Government of the United States (legislative, executive, judicial, and other) shall be under the charge and superintendence of the Archivist to this extent: He shall have full power] (Sec. 505. (c)) *The Administrator is authorized to inspect or survey personally or by deputy the records of any Federal agency [of the United States Government whatsoever and wheresoever located], as well as to make surveys of records management and records disposal practices in such agencies, and shall [have] be given the full cooperation of [any and all persons in charge of such records] officials and employees of agencies in such inspections [and surveys]; Provided, That records, the use of which is restricted by or pursuant to law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the custodial agency. [and to requisition for transfer to the National Archives Establishment such archives, or records as the National Archives Council, hereafter provided shall approve for such transfer,] (Sec. 507. (a)) The Administrator, whenever it appears to him to be in the public interest, is hereby authorized—*

(1) *to accept for deposit with the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government;*

(2) *to direct and effect, with the approval of the head of the originating agency (or if the existence of such agency shall have been terminated, then with the approval of its successor in function, if any), the transfer of records deposited (or approved for deposit) with the National Archives of the United States to public or educational institutions or associations: Provided, That the title to such records shall remain vested in the United States unless otherwise authorized by Congress; and*

(3) *to direct and effect the transfer of materials from private sources authorized to be received by the Administrator by the provisions of subsection (e) of this section. (Sec. 507. (e)) The Administrator may accept for deposit—*

(1) *the personal papers and other personal historical documentary materials of the present President of the United States, his successors, heads of executive departments, and such other officials of the Government as the President may designate, offered for deposit under restrictions respecting their use specified in writing by the prospective depositors: Provided, That restrictions so specified on such materials, or any portions thereof, accepted by the Administrator for such*

¹ Some of the provisions of this section have been superseded by the following provision in the Independent Offices Appropriation Act, 1939, approved May 23, 1938 (52 Stat. 421): "Provided further, That six months after the date of approval of this Act, notwithstanding any provisions to the contrary in section 2 of The National Archives Act, approved June 19, 1934, and section 1 of the Federal Register Act, approved July 26, 1935, all persons employed in The National Archives establishment under section 2 of the National Archives Act and section 1 of the Federal Register Act shall be appointed by the Archivist in accordance with the civil-service laws and the Classification Act of 1923, as amended: And provided further, That all persons employed under section 2 of The National Archives Act and section 1 of the Federal Register Act in said establishment six months after the date of approval of this Act, regardless of the method by which they were appointed, who do not have a competitive classified civil-service status shall acquire such a status (1) upon recommendation by the Archivist and certification by him to the Civil Service Commission that such persons have rendered satisfactory service in said establishment for not less than six months and (2) upon passing such suitable noncompetitive tests as the Civil Service Commission shall prescribe."

deposit shall have force and effect during the lifetime of the depositor or for a period not to exceed twenty-five years, whichever is longer, unless sooner terminated in writing by the depositor or his legal heirs: And provided further, That the Archivist determines that the materials accepted for such deposit will have continuing historical or other values; [and he shall have authority to make regulations for the arrangement,] (Sec. 507. (b) The Administrator shall be responsible for the custody, use, and withdrawal of [material deposited in the National Archives Building] records transferred to him: Provided further, That whenever the head of any agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being considered for transfer from his custody to [that of] the [Archivist] Administrator [that appear to him to be necessary or desirable in the public interest,] the [Archivist] Administrator shall impose such restrictions on [such of] the records [as are] so transferred, [to his custody;] and [restrictions so imposed] shall not [be removed or relaxed by the Archivist] remove or relax such restrictions without the concurrence in writing of the head of the agency from which the material shall have been transferred [unless] (or if the existence of [that] such agency shall have been terminated [;], then he shall not remove or relax such restrictions without the concurrence of the successor in function, if any, of such agency head): Provided, however, That statutory and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for fifty years unless the Administrator by order shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a longer period: And provided further, That restrictions on the use or examination of records [in the custody of the Archivist] deposited with the National Archives of the United States heretofore imposed and now in force and effect under the terms of section 3 of the National Archives Act, approved June 19, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the [Archivist] Administrator with the concurrence in writing of the head of the agency from which [the] material has been transferred [or by the Archivist alone] (or if the existence of [that] such agency shall have been terminated [;], then with the concurrence in writing of his successor in function, if any).

[Sec. 4. The] (Sec. 502.) The Administrator shall have immediate custody and control of the National Archives Building [and such other buildings, grounds, and equipment as may from time to time become a part of the National Archives Establishment (except as the same is vested by law in the Director of National Buildings, Parks, and Reservations)] and [their] its contents, [shall be vested in the Archivist of the United States.] and shall have authority to design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere.

[Sec. 5. That] (Sec. 503. (a)) There is hereby created [also] a National Historical Publications Commission [which] (Sec. 503. (d)) The Commission shall make plans, estimates, and recommendations for such historical works and collections of sources as [seem] it deems appropriate for [publication and/or] printing or otherwise recording at the public expense[.]. The Commission shall also cooperate with and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it deems such action to be desirable, in editing and publishing the papers of outstanding citizens of the United States and such other documents as may be important for an understanding and appreciation of the history of the United States. The Chairman of the Commission shall transmit to the Administrator from time to time and at least once annually, such plans, estimates, and recommendations as have been approved by the Commission. [said Commission to consist of the Archivist of the United States, who shall be its chairman; the historical adviser of the Department of State; the chief of the historical section of the War Department, General Staff; the superintendent of Naval records in the Navy Department; the Chief of the Division of Manuscripts in the Library of Congress; and two members of the American Historical Association appointed by the president thereof from among those persons who are or have been members of the executive council of the said association: Provided, That the preparation and publication of annual and special reports on the archives and records of the Government, guides, inventory lists, catalogs, and other instruments facilitating the use of the collections shall have precedence over detailed calendars and textual reproductions. This Commission shall meet at least once a year, and the members shall serve without compensation except repayment of expenses actually incurred in attending

meeting of the Commission.] (Sec. 503. (a)) consisting of the Archivist (or an alternate designated by him), who shall be chairman; the Librarian of Congress (or an alternate designated by him); one Member of the United States Senate to be appointed, for a term of four years, by the President of the Senate; one Member of the House of Representatives to be appointed, for a term of two years, by the Speaker of the House of Representatives; one representative of the judicial branch of the Government to be appointed, for a term of four years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of four years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of four years, by the Secretary of Defense; two members of the American Historical Association to be appointed by the council of the said association, one of whom shall serve an initial term of two years and the other an initial term of three years, but their successors shall be appointed for terms of four years; and two other members outstanding in the fields of the social or physical sciences to be appointed by the President of the United States, one of whom shall serve an initial term of one year and the other an initial term of three years, but their successors shall be appointed for terms of four years. The Commission shall meet annually and on call of the Chairman.

(b) Any person appointed to fill a vacancy in the membership of the Commission shall be appointed only for the unexpired term of the member whom he shall succeed, and his appointment shall be made in the same manner in which the appointment of his predecessor was made.

(c) The Commission is authorized to appoint, without reference to the Classification Act of 1949 (Public Law 429, 81st Congress, approved October 28, 1949), an executive director and such editorial and clerical staff as the Commission may determine to be necessary. Members of the Commission who represent any branch or agency of the Government shall serve as members of the Commission without additional compensation. All members of the Commission shall be reimbursed for transportation expenses incurred in attending meetings of the Commission, and all such members other than those who represent any branch or agency of the Government of the United States shall receive in lieu of subsistence en route to or from or at the place of such service, for each day actually spent in connection with the performance of their duties as members of such Commission, such sum, not to exceed \$25, as the Commission shall prescribe.

[SEC. 6. That there is hereby further created a National Archives Council composed of the Secretaries of each of the executive departments of the Government (or an alternate from each department to be named by the Secretary thereof), the Chairman of the Senate Committee on the Library, the Chairman of the House Committee on the Library, the Librarian of Congress, the Secretary of the Smithsonian Institution, and the Archivist of the United States. The said Council shall define the classes of material which shall be transferred to the National Archives Building and establish regulations governing such transfer; and shall have power to advise the Archivist in respect to regulations governing the disposition and use of the archives and records transferred to his custody.] (Sec. 504.) The Administrator shall establish a Federal Records Council, and shall advise and consult with the Council with a view to obtaining its advice and assistance in carrying out the purposes of this title. The Council shall include representatives of the legislative, judicial, and executive branches of the Government in such number as the Administrator shall determine, but such Council shall include at least four representatives of the legislative branch, at least two representatives of the judicial branch, and at least six representatives of the executive branch. Members of the Council representing the legislative branch shall be designated, in equal number, by the President of the Senate and the Speaker of the House of Representatives, respectively. Members of the Council representing the judicial branch shall be designated by the Chief Justice of the United States. The Administrator is authorized to designate from persons named by the head of any executive agency concerned, not more than one representative from such agency to serve as a member of the Council. Members of the Council shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties as members of the Council. The Council shall elect its chairman, and shall meet at least once annually.

[SEC. 6a.] (Sec. 507 (b)) * * * Provided, That whenever any records the use of which is subject to statutory limitations and restrictions are so transferred, [to the custody of the Archivist of the United States,] permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency [having custody of them] from which the records were transferred or to employees of that agency shall thereafter likewise be applicable to the Administrator, the Archivist, [of the United States] and to

the employees of the [National Archives Establishment] General Services Administration, respectively [.] :

[Sec. 7. The National Archives may also accept, store, and preserve] (sec. 507 (e)) *The Administrator may accept for deposit * * * (2) motion picture films, still pictures, and sound recordings from private sources [pertaining to and illustrative of historical activities of the United States, and in connection therewith maintain a projecting room for showing such films and reproducing such sound recordings for historical purposes and study.] that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions. Title to materials so deposited under this subsection shall pass to and rest in the United States.*

[Sec. 8. That the National Archives shall have an official seal which will be judicially noticed.

[The Archivist of the United States may make or reproduce and furnish authenticated or unauthenticated copies of any of the documentary, photographic or other archives or records in his custody that are not exempt from examination as confidential or protected by subsisting copyright, and may charge therefor a fee sufficient to cover the cost or expenses thereof. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund created by section 5 of the National Archives Trust Fund Board Act. There shall be no charge for the making or authentication of such copies or reproductions furnished to any department or other agency of the Government for official use. When any such copy or reproduction furnished under the terms hereof is authenticated by the official seal of The National Archives and certified by the Archivist of the United States, or in his name attested by the head of any office or the chief of any division of the National Archives designated by the Archivist with such authority, it shall be admitted in evidence equally with the original from which it was made.] Sec. 509. (b) *There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When any copy or reproduction, furnished under the terms hereof, is authenticated by such official seal and certified by the Administrator, such copy or reproduction shall be admitted in evidence equally with the original from which it was made.*

(c) *The Administrator may charge a fee not in excess of 10 per centum above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund provided for in section 5 of the Act approved July 9, 1941. There shall be no charge for making or authenticating copies or reproductions of such materials for official use by the United States Government: Provided, That reimbursement may be accepted to cover the cost of furnishing such copies or reproductions that could not otherwise be furnished.*

[Sec. 8a.] Sec. 506. (d) Any official of the [United States] Government who is authorized [to make certifications or determinations] to certify to facts on the basis of records in his custody, is hereby authorized to [make certifications or determinations] certify to facts on the basis of records that have been transferred by him or his predecessors to the [custody of the Archivist of the United States] Administrator.

[SEC. 9. That the Archivist shall make to Congress, at the beginning of each regular session, a report for the preceding fiscal year as to the National Archives, the said report including a detailed statement of all accessions and of all receipts and expenditures on account of the said establishment. He shall also transmit to Congress the recommendations of the Commission on National Historical Publications, and, on January 1 of each year, with the approval of the Council, a list or description of the papers, documents, and so forth (among the archives and records of the Government), which appear to have no permanent value or historical interest, and which, with the concurrence of the Government agency concerned, and subject to the approval of Congress, shall be destroyed or otherwise effectively disposed of.]

[SEC. 10. That there are hereby authorized such appropriations as may be necessary for the maintenance of the National Archives Building and the administration of the collections, the expenses, and work of the Commission on National Historical Publications, the supply of necessary equipment and expenses incidental to the operations aforesaid, including transfer of records to the Archives Building; printing and binding; personal services in the District of Columbia and elsewhere; travel and subsistence and per diem in lieu of subsistence, notwithstanding the provisions of any other Acts; stenographic services by contract or otherwise as may be deemed necessary; purchases and exchange of books and maps;] (Sec. 7. (g)) *striking out the period at the end of section 603 (a) thereof and inserting in lieu*

thereof a comma and the following: "including payment in advance, when authorized by the [Archivist] Administrator, for library memberships in societies whose publications are available to members only or to members at a price lower than that charged to the general public[;] . [purchase, exchange, and operation of motor vehicles; and all absolutely necessary contingent expenses, all to be expended under the direction of the Archivist, who shall annually submit to Congress estimates therefor in the manner prescribed by law.]

[SEC. 11. All Acts or parts of Acts relating to the charge and superintendency, custody, preservation, and disposition of official papers and documents of executive departments and other governmental agencies inconsistent with the provisions of this Act are hereby repealed.]

Sec. 6. The Federal Property and Administrative Services Act of 1949 is amended by—

(a) redesignating "title V" of such Act as "title VI" thereof, and "title V" wherever it appears therein, is amended to read "title VI";

(b) redesignating sections 501–505, inclusive, of such Act, respectively, as sections 601–605, inclusive, thereof, and wherever any such section number appears in such Act as originally enacted, it is amended to conform in numbering to the redesignation prescribed by this subsection;

(c) inserting at the proper place in the table of contents to such Act the following:

TITLE V—FEDERAL RECORDS

"Sec. 501. Short title.

"Sec. 502. Custody and control of property.

"Sec. 503. National Historical Publications Commission.

"Sec. 504. Federal Records Council.

"Sec. 505. Records management: the Administrator.

"Sec. 506. Records management: agency heads.

"Sec. 507. Archival administration.

"Sec. 508. Reports.

"Sec. 509. Legal status of reproductions.

"Sec. 510. Limitation on liability.

"Sec. 511. Definitions."

(d) inserting, immediately following title IV thereof, the following new title:

"TITLE V—FEDERAL RECORDS

"SHORT TITLE

"SEC. 501. This title may be cited as the 'Federal Records Act of 1950'.

"RECORDS MANAGEMENT: THE ADMINISTRATOR

"SEC. 505. (a) The Administrator shall make provisions for the economical and efficient management of records of Federal agencies (1) by analyzing, developing, promoting, and coordinating standards, procedures, and techniques designed to improve the management of records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value, and (2) by promoting the efficient and economical utilization of space, equipment, and supplies needed for the purpose of creating, maintaining, storing, and servicing records.

"(b) The Administrator shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying such standards to records in their custody; and he shall notify the head of any Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of such agency that shall come to his attention, and assist the head of such agency in initiating action through the Attorney General for the recovery of such records as shall have been unlawfully removed and for such other redress as may be provided by law.

"(d) The Administrator is authorized to establish, maintain, and operate records centers for the storage, processing, and servicing of records for Federal agencies pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and to establish, maintain, and operate centralized microfilming services for Federal agencies.

"(e) Subject to applicable provisions of law, the Administrator shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

"(f) The Administrator may empower any Federal agency, upon the submission of evidence of need therefor, to retain records for a longer period than that specified in disposal schedules approved by Congress, and, in accordance with regulations

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promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules approved by Congress.

"RECORDS MANAGEMENT; AGENCY HEADS

"SEC. 506 (a) The head of each Federal agency shall cause to be made and preserved records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

"(b) The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. Such program shall, among other things, provide for (1) effective controls over the creation, maintenance, and use of records in the conduct of current business; (2) cooperation with the Administrator in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and (3) compliance with the provisions of this title and the regulations issued thereunder.

"(c) Whenever the head of a Federal agency determines that substantial economies or increased operating efficiency can be effected thereby, he shall provide for the storage, processing, and servicing of records that are appropriate therefor in a records center maintained and operated by the Administrator or, when approved by the Administrator, in such a center maintained and operated by the head of such Federal agency.

"(e) The head of each Federal agency shall establish such safeguards against the removal or loss of records as he shall determine to be necessary and as may be required by regulations of the Administrator. Such safeguards shall include making it known to all officials and employees of the agency (1) that no records in the custody of the agency are to be alienated or destroyed except in accordance with the provisions of the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434), and (2) the penalties provided by law for the unlawful removal or destruction of records.

"(f) The head of each Federal agency shall notify the Administrator of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Administrator shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from any other Federal agency whose records have been transferred to his legal custody.

"(g) Nothing in this title shall be construed as limiting the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessening the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

"SEC. 507. (c) The Administrator shall make provisions for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides facilitating their use; and, when approved by the National Historical Publications Commission, he may also publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.

"(d) The Administrator shall make such provisions and maintain such facilities as he deems necessary or desirable for servicing records in his custody that are not exempt from examination by statutory provisions or other restrictions.

"(f) The Administrator is hereby authorized to make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and to make provisions for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for nonprofit educational purposes motion-picture films, still pictures, and sound recordings in his custody.

"REPORTS

"SEC. 508. (a) The Administrator is hereby authorized whenever he deems it necessary to obtain reports from Federal agencies on their activities under the provisions of this title and the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434).

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"(b) The Administrator shall, whenever he finds that any provisions of this title have been or are being violated, inform in writing the head of the agency concerned of such violations; and make recommendations regarding means of correcting them. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report thereon to the President and the Congress.

"LEGAL STATUS OF REPRODUCTIONS

"SEC. 509. (a) Whenever any records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Administrator, the indefinite retention of such photographic, microphotographic, or other reproductions will be deemed to constitute compliance with the statutory requirement for the indefinite retention of such original records. Such reproductions, as well as reproductions made in compliance with regulations promulgated to carry out this title, shall have the same legal status as the originals thereof.

"LIMITATION ON LIABILITY

"SEC. 510. With respect to letters and other intellectual productions (exclusive of material copyrighted or patented) after they come into the custody or possession of the Administrator, neither the United States nor its agents shall be liable for any infringement of literary property rights or analogous rights arising thereafter out of use of such materials for display, inspection, research, reproduction, or other purposes.

"DEFINITIONS

"SEC. 511. When used in this title—

"(a) The term 'records' shall have the meaning given to such term by section 1 of the Act entitled 'An Act to provide for the disposal of certain records of the United States Government', approved July 7, 1943 (57 Stat. 380, as amended; 44 U. S. C. 366);

"(b) The term 'records center' means an establishment maintained by the Administrator or by a Federal agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space;

"(c) The term 'servicing' means making available for use information in records and other materials in the custody of the Administrator—

"(1) by furnishing such records or other materials, or information from such records or other materials, or copies or reproduction thereof to agencies of the Government for official use and to the public; and

"(2) by making and furnishing authenticated or unauthenticated copies or reproductions of such records and other materials;

"(d) The term 'National Archives of the United States' means those official records that have been determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, and have been accepted by the Administrator for deposit in his custody;

"(e) The term 'unauthenticated copies' means exact copies or reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence; and

"(f) The term 'Archivist' means the Archivist of the United States."

RECORDS DISPOSAL ACT, APPROVED JULY 7, 1943, AS AMENDED
(44 U. S. C. 366-380)

SEC. 2. [The National Archives Council] (The Administrator)¹ shall [promulgate] (prescribe)¹ regulations, not inconsistent with this Act, establishing (1) procedures for the compiling and submitting to the Archivist of the United States of lists and schedules of records proposed for disposal, (2) procedures for the disposal of records authorized for disposal, and (3) standards for the reproduction of records by photographic or microphotographic processes with a view to the disposal of the original records. Such regulations, when approved by the President, shall be binding on all agencies of the United States Government.

¹ Sec. 205 (c) of the Federal Property and Administrative Services Act of 1949 includes the provision that the "Administrator shall prescribe such regulations as he deems necessary to effectuate his functions under this Act * * *."

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SEC. 4. The [Archivist] (Administrator)² shall submit to Congress, at such times as he shall deem expedient, the lists or schedules submitted to him in accordance with the provisions of section 3 of this Act, or parts of such lists or schedules, and lists or schedules of any records in his legal custody, insofar as it shall appear to him that the records listed in such lists or schedules do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the United States Government: *Provided*, That the [Archivist] (Administrator)² shall not submit to Congress lists or schedules of records of any existing agency of the Government in his legal custody without first having obtained the written consent of the head of such agency.

The [Archivist] (Administrator)² may also submit to Congress, [together with recommendations of the National Archives Council with respect thereto, and] at such times as he may deem expedient, schedules proposing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies that either have accumulated or may accumulate in such agencies and that apparently will not, after the lapse of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government.

(Sec. 7. (e)) amending subsection 602 (b) to read as follows:

"(b) There are hereby superseded—

* * * * *

"(2) sections 2 and 4 of the Act entitled "An Act to provide for the disposal of certain records of the United States Government", approved July 7, 1943 (57 Stat. 381, as amended; 44 U. S. C. 367 and 369), to the extent that the provisions thereof are inconsistent with the provisions of title V of this Act.

² Sec. 104 (a) of the Federal Property and Administrative Services Act of 1949 includes the provision that there "are transferred to the Administrator (1) the functions of the Archivist of the United States, except that" * * * "

